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T. DURAISINGAM J.P.U.M.
SOLICITOR
ATTORNEY AT LAW & NOTARY
31, WILSON STREET,
COLOMBO

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LEGISLATIVE ENACTMENTS OF CEYLON

1956

REVISED EDITION

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THE
LEGISLATIVE ENACTMENTS OF CEYLON

IN FORCE ON THE
30TH DAY OF JUNE, 1956

REVISED EDITION

PREPARED UNDER THE AUTHORITY OF THE
REVISED EDITION OF THE LEGISLATIVE ENACTMENTS ACT

BY

THE HONOURABLE HEMA HENRY BASNAYAKE
CHIEF JUSTICE OF CEYLON

ASSISTED BY

E. R. K. D. M. HECTOR DEHERAGODA
ADVOCATE OF THE SUPREME COURT OF CEYLON, CROWN COUNSEL

AND

L. H. RAMACHANDRA PEIRIS
ADVOCATE OF THE SUPREME COURT OF CEYLON

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REFERENCE MARK	GAZETTE DENOTED BY THE MARK
1	Gazette Extraordinary No. 9,773 dated 24th September, 1947.
2	Gazette Extraordinary No. 9,786 dated 13th October, 1947.
3	Gazette Extraordinary No. 9,828 dated 5th February, 1948.
4	Gazette Extraordinary No. 9,836 dated 25th February, 1948.
5	Gazette Extraordinary No. 9,848 dated 31st March, 1948.
6	Gazette Extraordinary No. 9,889 dated 28th July, 1948.

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CHAPTER 397

BANK OF CEYLON

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT AND REGULATION OF A STATE-AIDED BANK IN CEYLON.

Ordinances
Nos. 53 of 1938,
45 of 1939,
53 of 1943,
4 of 1944,
34 of 1944,
7 of 1945.

Acts
Nos. 39 of 1949,
19 of 1952,
42 of 1954,
37 of 1955.

[*1st December, 1938.*]

Short title.

1. This Ordinance may be cited as the Bank of Ceylon Ordinance.

Establishment of bank.

2. A bank to be called the Bank of Ceylon is hereby established.

Incorporation of bank.

3. The bank shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Head office.

4. The head office of the bank shall be at Colombo in Ceylon.

Branches and agencies.

5. The bank may establish and maintain—

(*a*) agencies in any part of the world ;

(*b*) branches in Ceylon or elsewhere.

Financial assistance to bank in respect of branches.

6. The Government shall, in respect of each branch established in Ceylon, as soon as may be after the date of establishment of such branch, either—

(*a*) deposit with the bank a sum of one hundred thousand rupees repayable without interest at the end of ten years from the date of deposit ; or

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(*b*) in lieu of making the said deposit make, out of the revenue of Ceylon, a grant of three thousand rupees per annum for a period of ten years commencing from the date of establishment of such branch :

Provided that no deposit or annual grant shall be made in respect of any branch established, in Ceylon, after the first five branches.

Constitution of the board.

7. (1) The board shall, subject to the provisions of section 11, consist of not more than five directors.

(2) So long as the Government holds not less than twenty *per centum* of the issued capital for the time being of the bank, the Minister [3] shall have the right to nominate two of the directors, hereinafter referred to as the " nominated directors ".

(3) The first directors shall be nominated by the Governor.

(4) The nomination of a director shall be made by an instrument in writing, hereinafter called the " instrument of nomination ", signed by or on behalf of the Minister [3] and shall take effect upon the signing of the instrument of nomination.

(5) The Governor shall specify in the instrument of nomination of the first directors which two of such directors are the nominated directors.

(6) The other three first directors shall for all purposes be regarded as if they had been elected on the date on which they were nominated and shall be deemed to be elected directors.

Chairman and deputy chairman of the board.

8. The directors shall from amongst their number elect—

(*a*) a chairman, and

(*b*) if they think necessary, a deputy chairman :

Provided however that, so long as the Government is the holder of at least twenty *per centum* of the issued capital for the time being of the bank, only

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nominated directors and such other directors as shall have been approved previously in writing by the Minister [3] shall be eligible for election to either office.

Qualifications of director.

9. No person shall be qualified to be a director unless—

(*a*) he is a British subject and has been resident in Ceylon whether continuously or otherwise for a period or periods amounting in all to not less than five years out of the ten years immediately preceding the date of his election or nomination ;

(*b*) except in the case of a nominated director he holds shares of the bank of the face value of five thousand rupees or more ;

(*c*) being a Member of Parliament [1] he shall resign therefrom within one month of being elected or nominated a director ;

(*d*) except in the case of a nominated director, being a whole-time salaried officer of the Government he shall resign from such post within one month of being elected a director.

Vacation of office of director.

10. The office of director shall be vacated if a director—

(*a*) accepts or holds any office or place of profit under the bank ;

(*b*) becomes bankrupt or is adjudicated insolvent or compounds with his creditors ;

(*c*) becomes of unsound mind or is adjudged to be of unsound mind ;

(*d*) is absent from meetings of the board for more than three consecutive months without the leave of the board ;

(*e*) except in the case of a nominated director ceases to hold the number of shares required to qualify him to the office ;

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(*f*) being a Member of Parliament [1] at the time of his election or nomination as director fails to resign his seat as a Member of Parliament [1] within one month of such election or nomination ;

(*g*) becomes a Member of Parliament ; [1]

(*h*) except in the case of a nominated director becomes a whole-time salaried officer of the Government ;

(*i*) by a notice in writing to the bank resigns his office.

Government director.

11. (1) While the Government owns any shares in the bank, the person for the time being holding the office of Secretary to the Treasury [1] shall by virtue of his office be a director of the bank (hereinafter referred to as the "Government director") and shall be a member of the board in addition to the number of directors prescribed in section 7.

(2) The provisions of this Ordinance relating to—

(*a*) the election and nomination of directors ;

(*b*) the qualifications and disqualifications of directors ;

(*c*) the retirement, rotation and removal of directors ;

(*d*) the vacation of office by directors,

shall not apply to the Government director.

Rights of Government director.

12. The Government director shall be entitled to attend—

(*a*) all meetings of the directors, and to submit matters for discussion, and to discuss and take part in all or any of the business at such meetings ;

(*b*) all meetings of the shareholders and take part in the proceedings thereof.

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Deputy Secretary to the Treasury may be authorized to attend meetings.

13. (1) The Government director may in writing generally or specially authorize, by name or by office, the Deputy Secretary to the Treasury [1] to attend in his place—

(*a*) any meeting of the board ;

(*b*) any meeting of shareholders.

(2) The Deputy Secretary to the Treasury [1] shall, at any meeting which he is authorized to attend in place of the Government director, be entitled to all the privileges and rights of the Government director, and may at such meeting exercise such privileges and rights as if he were the Government director.

Government director not entitled to vote.

14. The Government director shall not be entitled to vote—

(*a*) at any meeting of the directors ; or

(*b*) at any meeting of the shareholders, except in the exercise of his right to vote in respect of any shares held by the Government.

Right of nominated director to attend general meeting.

15. A nominated director shall be entitled to attend any general meeting and to take part in the proceedings.

Retirement of directors.

16. At the ordinary general meeting in 1939, and every year thereafter at the annual general meeting one out of the directors for the time being including the nominated directors shall retire from office.

Order of retirement of directors.

17. (1) The directors retiring in the years 1939 and 1940 shall be the nominated directors. Thereafter the directors retiring from office shall be those who have been longest in office since their last election or nomination.

(2) As between directors elected or nominated on the same day those to retire shall, unless they otherwise agree among themselves, be determined by lot.

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Re-election or renomination of director.

18. A retiring director shall be eligible for re-election or renomination.

Termination of office.

19. A director retiring at a meeting shall retain office until the close or adjournment of the meeting.

Filling up of vacancy in office of elected director.

20. Upon the retirement of an elected director the shareholders shall fill up the vacated office by electing a qualified person thereto and in default the retiring director shall be deemed to have been re-elected unless at such meeting with a view to reducing the number of directors it is expressly resolved not to fill up such vacated office.

Filling up of vacancy in office of nominated director.

21. Upon the retirement of a nominated director the Minister [3] shall fill up the vacated office by renominating the retiring director or nominating any other person.

Effect of re-election or renomination.

22. On re-election or renomination a retiring director shall at once become a director without any further formality.

Who may be proposed for election as director.

23. (1) A shareholder shall not propose for election as director any person other than—

(*a*) a retiring director ;

(*b*) a qualified shareholder recommended by the board ; or

(*c*) a qualified shareholder whose name has been duly notified in writing to the secretary of the board.

(2) The name of a shareholder shall not be deemed to have been duly notified for the purpose of paragraph (*c*) of subsection (1) unless a written instrument setting out the name of the shareholder who is to be proposed for election, signed by the shareholder giving the notice, together with the written consent of the shareholder whose name is set out in such instrument is delivered to the secretary of the board not less than four nor more than twenty-eight clear days before the date of the meeting at which the election is to take place.

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(3) A shareholder shall not be qualified to give any notice under this section nor propose any person for election as director at any meeting unless he is entitled to be present and to vote at the meeting at which the election takes place.

Casual vacancies among nominated directors.

24. (1) If a nominated director dies or vacates his office the Minister [3] shall have power at any time to nominate another person in place of the director so dying or vacating his office.

(2) The director so nominated shall be subject to retirement at the same time as the director in whose place he has been nominated would have retired had he remained in office.

Casual vacancies among elected directors.

25. (1) If any elected director dies or vacates his office the board may appoint any other person to be a director in place of the director so dying or vacating his office.

(2) The director so appointed shall hold office until the next following ordinary meeting, and shall then be eligible for re-election. [§ 2, 4 of 1944.]

Acting appointment in case nominated director unable to discharge his duties owing to illness, &c.

26. If it appears to the Minister [3] that a nominated director is unlikely to be able to discharge the duties of his office for a period of one year by reason of absence from Ceylon, illness, ill health, or any other cause whatsoever, he may appoint another person to act in the place of such director for such period as he may deem fit.

Acting appointment in case elected director unable to discharge his duties owing to illness, &c.

27. If it appears to the board that an elected director is unlikely to be able to discharge the duties of his office for a period exceeding one month by reason of absence from Ceylon, illness, ill health, or any other cause whatsoever, the board may appoint a person qualified to be a director to act until the resumption of duties by such director :

Provided that in no case may the board appoint a person to act as director for a period exceeding twelve months.

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Additional directors.

28. (1) The board may at any time and from time to time appoint any person to be a director as an addition to the existing board :

Provided that the total number of directors shall not at any time exceed the maximum number prescribed by this Ordinance ;

[§ 3, 4 of 1944.]

Provided, further, that the exercise by the board of the power conferred by this subsection shall be subject to any right of nominating a director or directors which may for the time being be vested in the Minister [3] under any other provision of this Ordinance.

(2) Any person so appointed shall hold office until the next following ordinary meeting and shall be eligible for re-election.

Removal of nominated directors.

[§ 4, 4 of 1944.]

29. (1) The Minister [3] may from time to time remove either of the nominated directors or both of them, and nominate any other person or persons to fill the vacancy or vacancies caused by such removal. Any director so nominated shall be subject to retirement at the same time as the director in whose place he has been nominated would have retired had he remained in office.

(2) The removal of a nominated director shall be effected by an instrument in writing signed by or on behalf of the Minister [3] and shall take effect upon the signing of such instrument.

Removal of elected directors.

[§ 5, 4 of 1944.]

30. The shareholders may by extraordinary resolution remove from office any elected director, and at the same or a subsequent meeting by an ordinary resolution elect any other person in his stead, and such person shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is elected was last elected a director.

Capital.

31. (1) The capital of the bank shall be seven million five hundred thousand rupees divided into thirty thousand convertible preference shares of fifty rupees each and one hundred and twenty thousand ordinary shares of fifty rupees each.

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(2) The whole of the preference shares shall be allotted to the Government and the nominal amount thereof together with a premium of one hundred *per centum* shall be paid by the Government.

(3) Of the ordinary shares thirty thousand shall be offered, for public subscription, by the Minister on such date as he shall deem fit, and shall be allotted by the Minister in such manner as he may in his discretion determine.

Capital of the ordinary shares how paid.
[§ 2, 53 of 1943.]

32. The capital of the ordinary shares offered under section 31 (3) shall be payable—

(*a*) as to ten *per centum* on application ;

(*b*) as to a further fifteen *per centum* on allotment ;

(*c*) as to a further twenty-five *per centum* within three months after the date of allotment ; and

(*d*) as to the unpaid balance by such further calls as the directors may from time to time deem necessary.

Permanent reserve fund.
[§ 6, 4 of 1944.]

33. (1) The board shall, out of the profits available for payment of dividend and before any dividend is declared, set aside a sum equivalent to twenty *per centum* of such profits to the credit of a fund called the permanent reserve fund of the bank and shall also, subject to the provisions of section 35, carry to the credit of such permanent reserve fund any premiums received on the issue of shares, until such permanent reserve fund is equivalent to one-half of the paid-up capital of the bank for the time being ; and in the event that at any time thereafter the amount of such permanent reserve fund is less than half of the paid-up capital of the bank for the time being, the board shall as soon as practicable carry to that fund such further sum or sums out of the profits available for dividend as may be necessary until the amount of the permanent reserve fund is equivalent to one-half of the paid-up capital of the bank for the time being. The board may from time to time in its discretion carry to the permanent reserve fund out of profits such further

[§ 2, 39 of 1949.]

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sums as it may deem fit, in addition to the sums required by the preceding provisions of this subsection to be carried thereto.

(2) The permanent reserve fund shall be shown separately in the balance sheet of the bank.

Contingency fund. [§ 6, 4 of 1944.]

34. (1) In addition to the permanent reserve fund the board shall create a fund called the contingency fund of the bank and shall carry to that fund—

(*a*) all premiums received on the issue of shares which are not carried to the permanent reserve fund ; and

(*b*) such sums out of the profits of the bank as the board think proper.

(2) The contingency fund may be applied from time to time in such manner as the board shall determine—

(*a*) for meeting depreciation and losses ;

(*b*) for equalizing dividends ;

(*c*) for repairing, improving or maintaining any of the property of the bank ;

(*d*) for any other purposes which the board may think proper.

(3) The board may divide the contingency fund into such special funds as they think fit, and may consolidate into one fund any special funds or any parts of any special funds into which the contingency fund may have been divided as they think fit, with full power to employ the whole or any part of the assets constituting the contingency fund in the business of the bank without being under any obligation to keep the same separate from the other assets of the bank. The board may also, (subject to the provisions of this Ordinance), without placing the same to reserve, carry over any profits which they may think it not prudent to divide.

(4) It shall not be necessary to show the contingency fund separately in the balance sheet of the bank.

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Premiums how dealt with.

35. The one hundred *per centum* premium payable by the Government under this Ordinance shall be set aside and carried—

(*a*) as to one half thereof to the permanent reserve fund of the bank ; [§ 7, 4 of 1944.]

(*b*) as to the other half to the contingency fund of the bank. [§ 7, 4 of 1944.]

Preference and ordinary shares. [§ 8, 4 of 1944.]

36. (1) For a period of five years from the date of the commencement of business by the bank the preference and ordinary shares shall rank for dividend *pari passu* according to the capital for the time being paid up thereon respectively:

Provided that in no event shall a dividend be paid on the preference shares at any time exceeding six *per centum* per annum.

(2) After the expiration of such period of five years the preference shares shall carry the right to a fixed non-cumulative preference dividend at the rate of six *per centum* per annum on the capital for the time being paid up thereon and in a winding up the preference shares shall rank equally as regards return of capital in priority to the ordinary shares but shall not confer the right to any further participation in profits or to any return of capital in excess of the capital paid thereon. [§ 8, 4 of 1944.]

Conversion of preference shares. [§ 9, 4 of 1944.]

37. (1) At any time after a dividend of not less than six *per centum,* or dividends amounting in all in any one year to not less than six *per centum,* has or have been declared on the ordinary shares of the bank any preference shareholder, including any purchaser or purchasers, but not the Government, shall, upon giving due notice to the bank, be entitled to exchange the preference shares held by him for an equal number of fully paid ordinary shares.

(2) A notice shall not be deemed to be due notice unless the notice—

(*a*) is in writing addressed to the bank at its head office ; and

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(*b*) is sent either by post or otherwise so as to reach the head office within twelve months from the date on which the preference shareholder giving the notice acquired the preference shares in respect of which the notice is given.

(3) A notice if sent by post shall be deemed to be served in the ordinary course of post.

(4) On the receipt of due notice the bank shall with all convenient speed cancel the preference share or shares in respect of which the notice is given and in lieu thereof issue to the holder thereof an ordinary share or ordinary shares which shall from the date of issue rank in every respect *pari passu* with the existing ordinary shares due regard being had to any difference in the amount paid up on any such shares.

(5) The provisions of subsection (1) shall not apply to any preference shares created under section 39.

Subdivision of shares.

38. The shareholders may at any time by special resolution subdivide the capital or any part thereof by the division of the existing shares or any of them into shares of smaller amounts :

Provided that the proportion between the amount which is paid and the amount if any which is unpaid on each share of reduced amount shall be the same as it was in the case of the existing share or shares from which the share of reduced amount is derived.

[§ 10, 4 of 1944.]

Increase and reduction of capital.

39. (1) The board may from time to time when authorized by special resolution issue any of the capital of the bank for the time being unissued or increase the capital of the bank by the creation of new shares or reduce the capital in the manner provided for in any law which may be declared to be applicable to the bank:

Provided that so long as the Government holds not less than twenty *per centum* of the issued capital for the time being of the bank no such issue, increase or reduction of capital shall take place or be effective, without the prior consent in writing of the Minister.

[§ 3, 39 of 1949.]

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(2) Any unissued capital and any new capital raised by the creation of new shares shall be issued by the board on such terms and conditions as shall be previously approved in writing by the Minister. Such terms and conditions may provide for the issue of shares at a premium. [§ 3, 53 of 1943.]

(3) In the allotment of shares issued or created under this section the board shall observe such general or special written directions as the Minister may give in that behalf.

40. The liability of the shareholders shall be limited. Liability of shareholders. [§ 11, 4 of 1944.]

41. (1) Contracts on behalf of the bank may be made as follows:— Contracts.

(*a*) a contract which if made between private persons would be by law required to be in writing, may be made on behalf of the bank in writing under the common seal of the bank;

(*b*) a contract which if made between private persons is by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the bank in writing signed by any person or persons duly authorized thereto as hereinafter provided; and [§ 12, 4 of 1944.] [§ 12, 4 of 1944.]

(*c*) a contract which if made between private persons would by law be valid although made by parol only and not reduced into writing, may be made by parol on behalf of the bank by any person or persons duly authorized thereto as hereinafter provided. [§ 12, 4 of 1944.]

(2) A contract made according to this section shall be effectual in law and shall bind the bank and all other parties thereto and their legal representatives.

(3) A contract made according to this section may be varied or discharged in the same manner in which it is authorized by this section to be made.

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Bills of exchange and promissory notes.

[§ 13, 4 of 1944.]

42. A bill of exchange or promissory note shall be deemed to have been made, executed, or endorsed on behalf of the bank, if made, executed, or endorsed in the name of, or by or on behalf or on account of the bank by any person or persons duly authorized thereto as hereinafter provided.

Persons authorized to act on behalf of the bank.

[§ 14, 4 of 1944.]

43. No person other than the directors and persons thereunto expressly authorized by the board and acting within the limits of the authority so conferred on them shall have any authority to make, draw, accept or endorse any promissory note, bill of exchange, cheque or order for the payment of money in the name or on behalf of the bank or to enter into any contract so as to impose thereby any liability on the bank or otherwise to pledge the credit of the bank.

Execution of deeds abroad.

44. (1) The bank may, by writing under its common seal, empower any person either generally or in respect of any specific matter, as its attorney, to execute deeds on its behalf in any place not situate in Ceylon.

(2) A deed signed by such an attorney on behalf of the bank and under his signature or seal shall bind the bank and have the same effect as if it were under its common seal.

Commencement of business.

45. The bank shall not commence business until—

(*a*) thirty thousand of the ordinary shares have been subscribed by and allotted to the public ;

(*b*) thirty thousand of the preference shares have been subscribed by and allotted to the Government at a premium of one hundred *per centum* and paid for in full with the premium ; and

(*c*) a certificate signed by the Governor authorizing the bank to commence business has been given.

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Financial aid from Government.

46. As soon as may be after the certificate authorizing the bank to commence business has been given by the Governor the Government shall deposit with the bank a sum of three hundred and fifty thousand rupees repayable without interest at the end of ten years from the date of such deposit:

Provided that the Government may in lieu of depositing such sum make, out of the Consolidated Fund, [1] a grant to the bank of ten thousand rupees per annum for a period of ten years from the date of commencement of business by the bank.

Withdrawal of deposit and substitution of grant.

47. The Government may at any time during the said period of ten years withdraw the said deposit and make, out of the Consolidated Fund, [1] a grant of ten thousand rupees per annum during the unexpired remainder of the said period of ten years.

Government grant towards the preliminary expenses.

48. (1) The Government shall also make, out of the revenue of Ceylon, a grant of two hundred and seventy-five thousand rupees towards the preliminary and other costs and expenses in connexion with the formation of the bank.

(2) Out of the said sum of two hundred and seventy-five thousand rupees such sums as may be required, from time to time, by the Minister towards the preliminary expenses in connexion with the formation of the bank, shall be paid to him.

(3) Upon the commencement of business by the bank any balance remaining out of the said sum of two hundred and seventy-five thousand rupees shall be paid to the bank and such balance shall, after meeting all further expenses and costs in connexion with the formation of the bank, remain the property of the bank and be carried to the credit of the contingency fund.

Powers of Minister until commencement of business by the bank.

49. The Minister may, upon this Ordinance being brought into operation and until the commencement of business by the bank—

(*a*) invite and receive applications for shares ;

(*b*) allot shares ;

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(c) do or perform any of the acts which the board is by this Ordinance empowered to do or perform ; and

(d) do all other acts whatsoever as he may deem necessary for the formation of the bank.

Acts commenced by the Minister may be continued by the board.

50. (1) Any act done or performed by the Minister by virtue of section 49 shall, for all purposes, have the same effect as if such act had been done or performed by the board.

(2) The board may continue any action or thing commenced by the Minister, remaining unfinished or incomplete at the date of commencement of business by the bank, as if such action or thing had been commenced by the board.

Sale of Government shares.
[§ 3, 39 of 1949.]

51. The Secretary to the Treasury [1] on being authorized in that behalf by the Minister may from time to time sell shares held by the Government at not less than par:

[§ 3, 39 of 1949.]

Provided that the Minister shall not authorize the sale of any shares held by Government without the consent of the House of Representatives, [1] previously obtained.

[§ 15, 4 of 1944.]

Person who may execute documents and make payments on behalf of Government.

52. The Secretary to the Treasury [1] is hereby authorized to sign and execute all documents which are required to be executed by the Government as shareholder of the bank or otherwise.

Funds from which moneys payable under this Ordinance are to be paid.

53. All sums of money whatsoever required to be paid, granted, or deposited by the Government under this Ordinance shall, where it is not expressly provided by this Ordinance that such sums should be paid out of the Consolidated Fund, [1] be paid out of such fund or funds of Ceylon as the Minister shall determine.

[§ 3, 39 of 1949.]

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Payment of moneys authorized by this Ordinance to be made.

54. (1) The Secretary to the Treasury [1] is hereby authorized and empowered to make or cause to be made all payments, grants, and deposits required by this Ordinance to be made to or in the bank—

(*a*) out of the Consolidated Fund [1] where it is so provided by this Ordinance ; and

(*b*) in any other case out of such funds as may be determined by the Minister under section 53. [§ 3, 39 of 1949.]

(2) In any case in which the Government is under this Ordinance entitled to withdraw any deposit and substitute therefor a grant, the Secretary to the Treasury [1] may withdraw any such deposit and substitute therefor the prescribed grant.

Payments and deposits how shown in Ceylon's statement of assets and liabilities. [§ 4, 39 of 1949.]

55. All payments and deposits out of such funds as may be determined by the Minister under section 53 shall be shown in every statement of assets and liabilities of Ceylon in such manner as he shall determine.

Appointment of officers.

56. The board shall have power to appoint the staff of the bank including the subordinate staff :

Provided that so long as the Government holds not less than twenty *per centum* of the issued capital for the time being of the bank the appointment of the general manager shall not be made without the previous approval in writing of the Minister ; [3] [§ 2, 19 of 1952.]

Provided further that the Minister's approval shall not be necessary for the appointment of an officer of the bank to act for the general manager during his absence if such appointment is for a period not exceeding four months. [§ 2, 19 of 1952.]

Officers to furnish security. [§ 3, 19 of 1952.]

57. (1) Every officer of the bank, not being a member of the subordinate staff, shall give security to the satisfaction of the board for the due and faithful performance of his duties.

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(2) The expression " subordinate staff " for the purposes of section 56 and of subsection (1) shall include only such officers as are by the board deemed to be members of the subordinate staff.

Dismissal of general manager.
[§ 4, 19 of 1952.]

58. No general manager shall be dismissed except on a resolution of the board passed by a majority of not less than three directors.

No liability for damage or loss caused otherwise than by misconduct or wilful default.
[§ 18, 4 of 1944.]
[§ 5, 19 of 1952.]

59. No director or officer of the bank shall be liable for any damage or loss suffered by the bank unless such damage or loss was caused by his misconduct or wilful default.

Reimbursement for expenses incurred on behalf of the bank.
[§ 19, 4 of 1944.]

60. Every director, auditor, manager, secretary or other officer of the bank shall be indemnified by the bank from all losses and expenses incurred by him in or about the discharge of his duties, other than such losses and expenses as the board may deem to have been occasioned by his misconduct or wilful default.

Declaration of secrecy.

[§ 6, 19 of 1952.]

61. Every director, manager, auditor, officer, servant, agent, accountant, or other person employed in the business of the bank, shall, before entering upon his duties sign a declaration pledging himself to observe strict secrecy respecting all transactions of the bank, its customers, and the state of accounts with any person and all matters relating thereto and shall by such declaration pledge himself not to reveal any other matters which may come to his knowledge in the discharge of his duties except—

(*a*) when required so to do—

(i) by the directors, or

(ii) by any meeting of the shareholders, or

(iii) by a court of law, or

(iv) by the person to whom such matters relate ;

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(b) in the performance of his duties ; and

(c) in order to comply with any of the provisions of this Ordinance or any other law.

Declarations of secrecy made before 24th March, 1952.
[§ 7, 19 of 1952.]

Every declaration made under this section before the 24th day of March, 1952, shall, for all purposes, have effect and be deemed to have had effect as though the reference in such declaration to "accounts with individuals" were a reference to "accounts with any person".

Right to refuse to answer questions.

62. Every director, auditor, manager, secretary, or other officer of the bank shall, except when required to do so by a court or by any law, decline to answer any question concerning the business of the bank which may be put to him on any occasion whatsoever, if he considers that the answer to such question would disclose or tend to disclose the secrets of the bank or the business or affairs of any customer of the bank.

Receipts when valid.

63. A receipt signed by two directors or by any person expressly authorized by the board to give receipts shall be an effectual discharge for moneys paid to the bank.

Inspection of documents.

64. No shareholder, unless he is a director, auditor, or officer, clerk, accountant, or other person whose duty requires him to do so, shall be entitled to inspect any of the books, accounts, documents, or writings of the bank, except such as are produced for the purpose of inspection at a general meeting.

Balance sheet, statement of accounts and reports of directors to be furnished to general meeting.
[§ 20, 4 of 1944.]

65. (1) At every ordinary meeting the directors shall lay before the meeting a balance sheet or statement of the accounts of the bank made up to a date not more than six months before the meeting from the time when the last preceding statement was made, or in the case of the first balance sheet or statement from the date of commencement of business by the bank.

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[§ 20, 4 of 1944.] (2) Every such balance sheet or statement shall be accompanied by a report of the directors as to the state and condition of the bank and as to the amount if any which they recommend to be paid out of the profits by way of dividend or bonus to the shareholders and the amount if any which they recommend to be retained for the reserve fund.

Appointment of auditors.

66. (1) The accounts of the bank shall be audited at such intervals as the board may decide, not being more than twelve months, by two qualified auditors who shall be elected by the bank in general meeting and shall hold office for one year :

[§ 21, 4 of 1944.]

[§ 21, 4 of 1944.] Provided that the two auditors so elected shall be practising independently of each other and shall not be members of the same firm of auditors ;

[§ 2, 7 of 1945.] Provided also that—

(i) where no auditor is so elected to audit the accounts of any year or where neither of the auditors so elected is able to audit such accounts, the accounts shall be audited by the Auditor-General ; and

(ii) where only one auditor is so elected to audit the accounts of any year or where only one of the auditors so elected is able to audit such accounts, the accounts shall be audited by that auditor and by the Auditor-General ;

[§ 21, 4 of 1944.] Provided, further, that while and whenever the Government holds any shares of the bank or any money or funds of the Government are deposited with the bank the Minister[1] may from time to time appoint

[§ 21, 4 of 1944.] such other auditor as he thinks fit to examine and report to him on the accounts and affairs of the bank and at the cost and expense of the bank.

[§ 21, 4 of 1944.] (2) No qualified auditor (other than an auditor retiring from office) shall be proposed for election at any meeting, unless notice of intention to propose that auditor has been given not less than five days and not more than one month before that meeting.

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(3) A director or any officer of the bank shall not be eligible for the office of auditor.

(4) In this section, "qualified auditor" means a chartered accountant or a member of the Society of Incorporated Accountants and Auditors, and includes a firm of qualified auditors. [§ 21, 4 of 1944.]

Auditors' report.

67. (1) The auditors shall examine the accounts of the bank and ascertain the correctness of the balance sheet and report to the shareholders—

(*a*) whether or not they have obtained all the information and explanations they have required ; and

(*b*) whether in their opinion the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the bank's affairs according to the best of their information and the explanations given to them and as shown by the books of the bank.

(2) For the purpose of ascertaining the correctness of the balance sheet the auditors may, with the sanction of the board and the Minister, accept, in respect of any branch of the bank, any copies or abstracts from the books and accounts of such branch which have been transmitted to the head office of the bank and which have been certified to be correct by an officer of the bank authorized in that behalf by the board. [§ 2, 34 of 1944.]

Copy of accounts to be sent.

68. At least seven days before every ordinary meeting a printed copy of the balance sheet so audited and the auditors' report as aforesaid shall be sent by the board to every shareholder at his registered address.

Balance sheet conclusive after approval.

69. (1) Every balance sheet when audited shall after adoption by a general meeting be conclusive except as regards any error discovered therein within three months next after the adoption thereof.

(2) Whenever any such error is discovered within that period the balance sheet shall be forthwith corrected by the auditors and shall thenceforth be conclusive.

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Application of the provisions of the Companies Ordinance.

70. (1) The provisions of the Companies Ordinance or any other enactment regulating the incorporation of companies shall not apply to the bank.

(2) Notwithstanding the provisions of subsection (1) the Minister [1] may, whenever it shall seem to him expedient to do so, by Order [1] declare that any one or more or all the provisions of the said Ordinance or any other enactment relating to companies for the time being in force shall apply to the bank and such provision or provisions shall thereupon have effect as if such provision or provisions are part of this Ordinance.

Business which the bank may transact.

71. Subject to the provisions of this Ordinance the business which the bank is authorized to carry on and transact shall be the several kinds of business specified in Part I of the First Schedule subject to the limitations mentioned in Part II thereof.

By-laws of the bank.

72. The provisions contained in the Second Schedule shall be the by-laws of the bank in regard to the matters to which they relate.

Alteration of Second Schedule.
[§ 22, 4 of 1944.]

73. (1) The shareholders may by special resolution alter the provisions of the Second Schedule :

Provided that no such resolution shall take effect unless and until such resolution is approved by the Minister.[1]

(2) All resolutions made under subsection (1) shall be published in the Gazette.

Applications to the Minister.

74. All applications to the Minister[3] by the board for his approval or sanction for any matter or thing for which the Minister's [3] approval or sanction is by this Ordinance required, shall be made in writing signed by the officer or person authorized in that behalf by the board.

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All disputes to be referred to arbitration.

75. (1) Every difference between the bank on the one hand and any of the shareholders, their heirs, executors, or administrators on the other hand, or between any of the shareholders, their heirs, executors, or administrators in any way relating to any of the subject-matters of these presents or any claim or demand arising out of or relating to the same shall be referred to arbitration before any proceedings are taken in a court of law.

(2) Each of the parties concerned shall select an arbitrator, and such arbitrators shall before entering on the arbitration select an umpire. The decision or decisions of the arbitrators or of the umpire, as the case may be, shall be final.

Interpretation.

76. In this Ordinance (including the Schedules), unless the context otherwise requires—

"bank" means the Bank of Ceylon established by this Ordinance ;

"board" means a duly convened and constituted meeting of the directors of the bank for the time being ;

"capital" means the capital for the time being of the bank ;

"Deputy Secretary to the Treasury" means the person for the time being performing the functions of the Deputy Secretary to the Treasury of the Government ;[1]

"director" means a person holding the office of a director of the bank ;

"elected director" means a person elected to the office of director by the shareholders and includes the first directors other than the nominated directors ;

"extraordinary resolution" means a resolution passed by a majority of not less than three-fourths of the shareholders entitled to vote, and voting in person or by proxy, at a general meeting of which notice specifying the intention to propose the resolution as an extraordinary resolution has been duly given ;

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"general meeting" includes ordinary meeting and extraordinary meeting;

"Government" means the Government of Ceylon;

"head office" means the head office of the bank;

[§ 8, 19 of 1952.] "officer" means an employee of the bank and shall not be construed to include a director or an auditor of the bank;

"ordinary meeting" means an ordinary meeting of the shareholders duly called and constituted;

"Secretary to the Treasury" means the person for the time being performing the functions of the Secretary to the Treasury of the Government;[1]

"special resolution" means a resolution passed by three-fourths in value of the shareholders present in person or by proxy at any meeting of the bank of which notice specifying the intention to propose such resolution has been duly given and confirmed by a majority in value of the shareholders present in person or by proxy at a subsequent meeting of which notice specifying the intention to propose such confirmation has been duly given:

Provided that the subsequent meeting shall be held at an interval of not less than fourteen days nor more than two months from the date of the meeting at which the resolution was first passed;

"shareholder" means any duly registered holder from time to time of one or more shares and includes the Government director.

[Section 71.]

FIRST SCHEDULE

PART I

Business which the bank is authorized to carry on and transact.

1. The bank is authorized to carry on and transact the several kinds of business hereinafter specified, namely:—

To carry on business of banking.

[§ 23, 4 of 1944.]

(*a*) To establish, carry on, develop and extend in Ceylon and elsewhere the business of banking in all its branches and departments and in particular and without prejudice to the generality of the foregoing to exercise, perform and do all or any of the following powers, acts and things subject nevertheless to the restrictions and conditions set out in Part II of this Schedule.

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(b) (i) To open, maintain and manage current deposit, saving and other accounts ; — To open accounts.

(ii) to discount, buy, sell and deal in bills of exchange, promissory notes, *hoondies, poorjas,* coupons, drafts, bills of lading, warrants, debentures, certificates, scrip and other instruments and securities, whether transferable or negotiable or not ; — To discount bills.

(iii) to grant and issue letters of credit and circular notes ; — To issue letters of credit.

(iv) to buy, sell and deal in bullion and specie and engage in operations in exchange ; — To deal in bullion and specie.

(v) to negotiate loans and advances, to receive money securities and valuables on deposit, or for safe custody, or otherwise ; — To negotiate loans.

(vi) to collect and transmit money and securities. — To collect money.

(c) To manage property and transact all kinds of agency business commonly transacted by bankers. — To transact agency business.

(d) To borrow or raise money in such manner as the bank shall think fit, and to secure the repayment of any money borrowed, raised or owing by mortgage, charge or lien upon the whole or any part of the bank's property or assets whether present or future including its uncalled capital and also by a similar mortgage, charge or lien to secure and guarantee the performance by the bank of any obligation or liability it may undertake. — To borrow or raise money.

(e) To lend and advance money securities and property or give credit to such persons, firms or companies and on such terms as may seem expedient and either with or without security and if with security upon such security and with such conditions as may from time to time be deemed to be advisable. — To lend and advance money.

(f) To buy, sell, invest, underwrite, deal in and dispose of stocks, shares, debentures, mortgages, bonds or securities issued or guaranteed by the Government of Ceylon or by the Government of any other country which is a member of the Commonwealth, or by any company or corporation registered or having its principal place of business in Ceylon : — To buy and sell stocks and shares. [§ 2, 37 of 1955.]

Provided, however, that the bank shall not enter into any transaction affecting the stocks, shares, debentures, mortgages, bonds or securities issued or guaranteed by any such company or corporation except on the recommendation of the general manager of the bank and with the approval of the directors of the bank given by a resolution passed by not less than three-fifths of such directors at a meeting of them at which any one of them who, or whose wife, is a director or shareholder of that company or corporation shall not be present during the consideration of the resolution and shall not vote on the resolution.

(g) To acquire and undertake the whole or any part of the banking and discount business of any person or company carrying on business which the bank is authorized to carry on : — To acquire any other business.

Provided, however, that the power contained in this paragraph shall only be exercised with the approval of a resolution of three-fourths of the directors ratified by a special resolution of the bank, and if the Government holds at least twenty *per centum* of the issued capital for the time being of the bank, after the written consent of the Minister [1] has been obtained.

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To acquire property.

(*h*) To purchase, take on lease or in exchange, hire or otherwise acquire, any immovable or movable property and any rights or privileges which the bank may think necessary or convenient with reference to any of the objects for which the bank is established or the acquisition of which may seem calculated to facilitate the realization of any securities held by the bank, or to ensure any advantage or to prevent or diminish any apprehended loss or liability.

To enter into arrangement for profit sharing.

(*i*) To enter into any arrangement for sharing profits, union of interest, co-operation, joint adventure, reciprocal concession or otherwise with any person or company carrying on or engaged in or about to carry on or engage in any business or transaction which the bank is authorized to carry on or engage in.

To act as trustees, executors, &c.

(*j*) To undertake and execute any trusts the undertaking whereof may seem desirable, and also to undertake the office of executor, administrator, receiver, treasurer, or registrar, and to keep for any company, Government, authority, or body, any register relating to any stocks, funds, shares or securities, or to undertake any duties in relation to the registration of transfers, the issue of certificates, or otherwise.

To provide for employees.

(*k*) To establish and support or aid in the establishment and support of associations, institutions, trusts, schemes for the providing of pensions and of guarantee and other funds, and conveniences calculated to benefit employees or ex-employees of the bank or the dependants or connexions of such persons and to grant pensions and allowances, and to make payments towards insurance, and to subscribe or guarantee money for charitable or benevolent objects or for any exhibition or for any public, general, or useful object.

To sell undertaking.

(*l*) To sell or dispose of the entire undertaking of the bank, or any part thereof, for such consideration as the bank may think fit, and in particular for shares, debentures or securities of any other bank or to amalgamate the bank's business with that of any other bank :

Provided, however, that the powers contained in this paragraph shall only be exercised with the approval of a resolution of three-fourths of the directors ratified by a special resolution of the bank and after the written consent of the Minister [1] has been obtained.

To deal with the property of the bank.

[§ 9, 19 of 1952.]

(*m*) To construct buildings on any land belonging to or taken on lease by the bank, and to improve, manage, develop, exchange, lease, mortgage, dispose of, sell, turn to account or otherwise deal with all or any part of the property and rights of the bank.

[§ 9, 19 of 1952.]

To exercise its powers in any part of the world.

(*n*) To do all or any of the above things in any part of the world and as principals, agents, contractors, trustees or otherwise and by or through trustees, agents or otherwise and either alone or in conjunction with others.

To support the credit of the bank.

(*o*) To take or concur in taking all such steps and proceedings as may seem best calculated to uphold and support the credit of the bank and to obtain and justify public confidence and to avert and minimize financial disturbances which might affect the bank.

To procure recognition of bank abroad.

(*p*) To procure the bank to be registered or recognized in any British or foreign country or place.

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(*q*) To give any guarantee or indemnity and to enter into any arrangements with any Government or any local authority in order to obtain any rights, concessions and privileges that may seem conducive to the bank's objects or any of them. To obtain concessions.

(*r*) To form any company for carrying on any business of a nature enumerated or described in this clause, or for assisting or developing any business, or for enhancing the value of any property of the bank, and to acquire and undertake the business of, purchase any interest in, or acquire or hold shares or stock in, any company having objects similar to those for which the bank is authorized to form any company under this paragraph. To form companies. [§ 2, 42 of 1954.]

(*s*) To do all things incidental or conducive to the attainment of the above objects or the exercise of the above powers. General.

2. The objects set forth in any paragraph of clause 1 of this Schedule shall not, except where the context expressly so requires, be in any wise limited or restricted by reference to or inference from the terms of any other paragraph or the objects therein specified, and the powers thereby conferred shall not be deemed merely subsidiary or auxiliary to the objects mentioned in the first paragraph of clause 1 of this Schedule but the bank shall, except when the context expressly requires otherwise, have full power to exercise all or any of the powers conferred by any part of clause 1 of this Schedule in any part of the world. Interpretation of objects.

PART II

3. The business of the bank shall be carried on subject to the following restrictions and qualifications :— Restrictions and qualifications.

(*a*) The bank shall not hold any immovable property howsoever acquired (except such as is required for the bank's own use) for any period exceeding five years from the date of acquisition thereof and such property shall be absolutely sold or disposed of within such period so that the bank shall no longer retain any interest therein except such interest as it may have as mortgagee or chargee by the hypothecation as security of such property to the bank : Bank not to hold immovable property.

Provided that if the board is of opinion that any immovable property cannot be sold within the said period of five years without detriment to the interests of the bank, the board may by resolution passed by a majority of not less than two-thirds of the directors of the bank for the time being decide that the bank should continue to hold such property till such time as the property can be sold without detriment to the interests of the bank.

(*b*) The funds of the bank shall not be expended in the purchase of or dealing in its own shares, nor shall such funds be lent upon the security of its own shares. Funds of bank not to be expended in purchase of its own shares.

(*c*) The amount of the advances and loans made by the bank and outstanding at any time shall not in the aggregate exceed fifty *per centum* of the total of the amounts lying at that time to the credit of depositors, in current, deposit or other accounts, in the bank. Limit on aggregate amount of advances, &c.

[§ 23, 4 of 1944.]
[§ 5, 39 of 1949.]
[§ 2, 42 of 1954.]

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Limit of loan, &c. [§ 5, 39 of 1949.]

(*d*) No advance, loan or accommodation shall be granted for more than fifty thousand rupees without security.

Restriction on granting of loans, &c. [§ 5, 39 of 1949.]

(*e*) No advance, loan or accommodation shall be granted to any general manager, assistant general manager, or branch manager, or any officer, clerk, or servant of the bank exceeding the sum of five hundred rupees except against appropriate banking security ; any loans exceeding five hundred rupees to such persons shall only be granted with the previous approval of the board.

Restriction on advances, &c. [§ 5, 39 of 1949.]

(*f*) No advance, loan or accommodation shall be granted to any director for the time being of the bank or to the wife of any such director or to any firm, company or corporation of which such director or his wife is a partner, director or shareholder, unless security approved by the bank is given and the advance, loan or accommodation is sanctioned at a meeting of the board of directors by two-thirds of the directors present at the meeting.

Restriction on exchange business.

(*g*) Without the previous written consent of the Governor, during the first three years after the date of the establishment of the bank, no exchange business or dealing in bullion or specie shall be undertaken by the bank other than the drawing, accepting, discounting, buying and selling of bills of exchange and other negotiable securities or telegraphic transfers payable in India :

Provided that the bank may at any time draw bills of exchange and grant letters of credit or sell telegraphic transfers payable in any part of the world for the use of its customers for bona fide personal needs and that for the purpose of meeting such bills or letters of credit or telegraphic transfers the bank may buy bills of exchange or other negotiable securities or telegraphic transfers payable out of Ceylon at any usance not exceeding six months.

How may powers be construed.

4. All the powers contained in clauses 1 and 2 of this Schedule shall be read and construed subject to the restrictions and qualifications in clause 3 of this Schedule and in case of conflict or inconsistency the provisions of clause 3 of this Schedule shall prevail.

[Section 72.]

SECOND SCHEDULE

PART I

SHARES

Application for and allotment of shares.

1. All applications for shares, signed by or on behalf of the applicant, followed by an allotment of any shares thereon, shall be deemed to be an acceptance of such allotted shares, and the board shall be entitled to place the name of the allottee on the register in respect thereof ; and every person who thus or otherwise accepts any share, and whose name is on the register, shall be a shareholder.

Share certificates.

2. Every shareholder shall be entitled to one certificate under the common seal of the bank specifying the shares held by him and the amount paid thereon.

Renewal certificate.

3. If any share certificate be worn out, lost or destroyed, it may be renewed on payment of such a sum, not exceeding one rupee, as the board may from time to time prescribe,

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provided such evidence as the board deems reasonable be afforded of the title of the party applying for the renewal, and such indemnity be given as the board thinks fit to require.

Bank's lien on shares.

4. The bank shall have a first and paramount lien available at law and in equity upon all the shares of every shareholder, whether held by him solely or jointly with any other person, for all his debts, liabilities, and engagements, of what nature or kind soever, to or with the bank and in case such shareholder becomes bankrupt or compounds with his creditors, the board may absolutely sell either by private contract or public auction, all the shares registered solely in such shareholder's name, and all his interest in any shares registered in his name jointly with that of any other or others, or such portion thereof, as shall be sufficient to discharge or satisfy such debts, liabilities, and engagements and may apply the proceeds, so far as the same will extend, in discharge or satisfaction of such debts, liabilities, and engagements and upon such sale the board may, without notice to or consent of such shareholder or any other person whomsoever, transfer all or any of such shares to the purchaser thereof, and may enter such purchaser's name on the register as the holder of such shares.

Rights of joint holders.

5. If any share shall stand in the names of two or more persons the person first named in the register shall, as regards voting at general meetings, receipt of dividends, service of notices and documents, and all or any other matters connected with the bank except the transfer of the share and the bank's lien thereon and the payment of money in the nature of a return of capital, be deemed the sole holder thereof.

Bank not bound to recognize an interest in share other than that of registered holder.

6. The bank shall not be bound by, nor recognize any equitable, contingent, future, or partial interest in any share, nor (except only as is by these by-laws otherwise expressly provided) any other right in respect of a share than an absolute right thereto, in accordance with these presents, in the person for the time being registered as the holder thereof.

Notice of change of name or marriage of shareholder.

7. No shareholder who shall change his name, or being a female, shall marry, shall be entitled to receive any dividend or to vote until notice of the change of name or marriage be given to the bank.

PART II

DEPOSIT AND CALLS

Moneys payable on allotment.

8. Any moneys which the board, on allotting any share or shares, requires to be paid by way of deposit or call, or otherwise in respect thereof shall immediately on the entry of the name of the allottee in the register as the holder of such shares become a debt due to and recoverable by the bank.

Calls.

9. In addition to such deposit and call as last aforesaid, the board may from time to time, but subject to the conditions, hereinafter mentioned, make such calls upon the shareholders in respect of all moneys unpaid on their shares as the board thinks fit; and every shareholder shall be liable to pay the amount of every call, made in accordance with these by-laws, to the person and at the time and place appointed by the board.

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Liability of joint holders.

10. The joint holders of a share or shares shall be jointly and severally liable to pay all sums due in respect of such shares by way of money due on allotment, calls, and interest on calls.

Notice of call.

11. (1) One month's notice at the least shall be given of the time and place appointed by the board for the payment of every call.

(2) Such notice shall be given to the persons registered as shareholders at the time when the resolution authorizing such call was passed, and such call shall be deemed to be due in the first place from the persons to whom such notice is given.

Interest on unpaid calls.

12. If any shareholder fails to pay the amount payable by him on allotment, or any call due from him on the day appointed for payment thereof, he shall be liable to pay interest on the same at a rate to be fixed by the board from the day appointed for the payment thereof to the time of actual payment (but without prejudice to the provisions herein contained for the forfeiture of the share or shares in respect of which any money payable by way of deposit or call as aforesaid shall be payable), and he shall not be entitled to any dividend or bonus that may be payable during the time such call and interest remain unpaid.

Evidence in action for calls.

13. On the trial or hearing of any action to be brought by the bank against any shareholder to recover any money payable on allotment or any call, it shall be sufficient in the case of money payable on allotment to prove that the defendant applied for the number of shares in respect of which such money is claimed, and in the case of a call that the name of the defendant is at the time of commencement of the action, or was at the time the resolution of the board to make the call was passed, duly entered on the register as the holder of the number of shares in respect of which the action for recovery of the call is made.

Payment in advance of calls.

14. (1) The board may, if they think fit, receive from any shareholder willing to advance the same, the whole or any part of the amount remaining uncalled and unpaid on any share or shares held by him, and upon the moneys so advanced the board may pay interest at such a rate as may be agreed upon between the shareholder and the board.

(2) The moneys so advanced shall be appropriated against calls whenever made.

(3) The bank shall refund any money advanced under subsection (1) remaining unappropriated against calls in the event of—

(*a*) the sale of the share or shares in respect of which the advance has been made ; or

[§ 24, 4 of 1944.]

(*b*) the bank going into liquidation.

PART III

TRANSFER AND TRANSMISSION OF SHARES

Register of transfers.

15. The bank shall keep, in addition to the register of shareholders, a book to be called the "Register of Transfers" and therein shall be entered the particulars of every transfer and transmission of any share, and the book may from time to time be authenticated by having the common seal affixed thereto at a general meeting.

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Closing of register.

16. The register of shareholders and the register of transfers shall be closed for a period of fourteen days immediately preceding and on the day of the ordinary meeting in every year, and may be closed at such other times as the board may deem fit:

Provided that the aggregate of the period for which such registers are closed in any year shall not exceed thirty days.

Bank may refuse to register transfers.

17. The bank may refuse to register any transfer of shares while the shareholder making the same is either alone or jointly with any other person indebted to the bank on any account whatsoever, and unless the transferee is approved by the board. Before registering any transfer the board may require the certificates of the shares therein mentioned to be left at the office during twenty-four hours for examination.

Title on death of shareholder.

18. Where a shareholder who has not during his lifetime executed a valid transfer of his shares dies leaving an estate requiring administration the only persons recognized by the bank as having any title to the shares shall be the executors or administrators.

Rights of person entitled on death or bankruptcy of shareholder.

19. Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of a shareholder shall, upon such evidence being produced as may from time to time be properly required by the board, have the right either to be registered as a shareholder in respect of the share, or, instead of being registered himself, to make such transfer of the share as the deceased or bankrupt or insolvent person could have made; but the board shall, in either case, have the same right to decline or suspend registration as it would have had in the case of a transfer of the share by the deceased or bankrupt or insolvent person before the death, bankruptcy or insolvency.

Dividend and voting powers of persons entitled to share on death or bankruptcy.

20. A person becoming entitled to a share by reason of the death or bankruptcy or insolvency of the holder shall be entitled to the same dividends and other advantages to which he would be entitled if he were the registered holder of the share, except that he shall not, before being registered as a shareholder in respect of the share, be entitled to exercise any right conferred on a shareholder in relation to meetings of shareholders.

Transfer how effected.

21. Every transfer of a share shall be in such form as the board may from time to time approve, and shall be presented to and retained by the bank, accompanied by such evidence as the board may require to prove the title of the transferor. The instrument of transfer shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain the holder of such share until the name of the transferee is inserted in the register in respect thereof.

Form of transfer.

22. Unless the board otherwise determines the following shall be the form of the instrument of transfer, and it shall be under the respective hands of the transferor and the transferee :—

I, ——— of ———, (in consideration of the sum of Rs. ——— paid to me by ——— of ———),* do hereby transfer to the said ——— share (s) numbered ——— in the Bank of Ceylon standing in my name in the books of the bank, to hold unto the said ——— his heirs, executors, administrators, and assigns, subject to the several conditions on which I hold the same, and I, the said ———, do hereby agree to take the said share (s) subject to the same conditions.

As witness our hands this ——— day of ———, 19—.

* (*The words within brackets to be omitted if no consideration is paid.*)

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Board may require evidence of transmission.

23. Every transmission of a share shall be verified in such manner as the board may require, and the bank may refuse to register any such transmission until the same be so verified.

Fee on transfer or transmission.

24. There shall be paid to the bank in respect of the registration of the transfer or transmission of any number of shares to the same person or persons such sum of money not exceeding two rupees and fifty cents as the board may from time to time prescribe.

PART IV

FORFEITURE OF SHARES

Notice to pay call overdue.

25. If any person fails to pay any money payable by him to the bank in respect of his shares on the day appointed for payment thereof, the board may serve a notice on him or his executors or administrators requiring payment of such money, together with any interest accrued thereon and any expenses that may have been incurred by reason of such nonpayment.

Contents of notice.

26. The notice shall name a day (not being less than thirteen days from the date of the notice) on or before which such money, interest, and expenses are to be paid, and it shall also state that in the event of the nonpayment of such money, interest, and expense at the time appointed, the share in respect of which such money, interest and expenses are payable shall be liable to be forfeited.

Forfeiture for non-payment.

27. If the requirements of a notice served under by-law 25 be not complied with, any shares in respect of which such notice has been given may be forfeited by a resolution of the board to that effect.

Treatment of forfeited shares.

28. (1) When any share is declared to be forfeited by a resolution of the board, notice of the forfeiture shall forthwith be given to the registered holder thereof, and an entry of the forfeiture, with the date thereof, shall forthwith be made in the register of shareholders.

(2) Every share which shall be forfeited shall thereupon become the property of the bank, and may be sold, extinguished, reallotted, or otherwise disposed of, either to the former holder thereof, or to any other person, upon such terms and in such manner as the board think fit:

Provided always that it shall be lawful for the board in its discretion to remit or annul the forfeiture of any share upon such terms as they think fit, and to cause the entry of forfeiture in respect thereof in the register of shareholders to be cancelled.

Liability on forfeited shares.

29. Any person whose shares are forfeited shall, notwithstanding the forfeiture, be liable to pay to the bank all calls, interest and expenses payable to the bank in respect of such shares at the time of forfeiture, and payment thereof may be enforced by the board, notwithstanding and without prejudice to such forfeiture.

Effect of forfeiture.

30. The forfeiture of a share shall involve the extinction at the time of such forfeiture of all interest in and all claims and demands whatsoever against the bank in respect of such share, except the right to any dividend declared on such share and remaining unpaid.

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Certificate of forfeiture.

31. (1) A certificate in writing under the common seal of the bank signed by two directors and countersigned by the manager or by such other officer as the board may appoint, stating that the share therein mentioned has been duly forfeited in pursuance of these presents and the amount paid thereon at the time when it was forfeited, shall be conclusive evidence of such forfeiture as against all persons claiming to be entitled to such share.

(2) Such certificate and the receipt of any two directors, countersigned by the manager or by such other officer as aforesaid, for the price of such share, shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to the purchaser thereof, and thereupon the purchaser shall be deemed to be the holder of such share, and shall be discharged from all calls prior to such purchase (unless otherwise expressly agreed), and his name shall be entered in the register of shareholders, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such forfeiture or sale. [§ 24, 4 of 1944.]

PART V

GENERAL MEETINGS

First ordinary meeting.

32. The first ordinary meeting of the bank shall be held at such place and at such time, within four months, after the date of commencement of business by the bank as the board may determine.

Subsequent ordinary meetings.

33. Subsequent ordinary meetings shall be held once in every year at such time and place as the board may from time to time determine.

Business of ordinary meetings.

34. The business of an ordinary meeting shall be—

(*a*) to elect directors and auditors,

(*b*) to receive and consider, and either in whole or in part adopt, confirm or reject the accounts and balance sheets,

(*c*) to receive the reports of the directors and auditors respectively,

(*d*) to decide on any recommendation of the board with respect to dividend or bonus, and

(*e*) subject to the provisions of these by-laws, generally to discuss any affairs of or relating to the bank.

Extraordinary meetings summoned by board.

35. (1) The board may, whenever they think proper, call an extraordinary meeting, and they shall do so upon receiving a requisition in writing signed—

(*a*) by the Minister[1] if and whenever the Government is the holder of twenty *per centum* of the paid-up capital for the time being of the bank, or

(*b*) by the holder or holders of not less than one-third of the preference shares, or

(*c*) by ten or more shareholders holding in the aggregate not less than one-fifth of the ordinary shares issued on which all calls and other sums then due have been paid.

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(2) Any requisition so made shall express the object of the meeting proposed to be called, and shall be deposited at the head office of the bank.

Extraordinary meetings summoned by shareholders.

36. Upon the receipt of any such requisition the board shall forthwith convene an extraordinary meeting and if they neglect to do so for one month after the deposit of the requisition, the requisitionists may convene such meeting by giving to the shareholders fourteen days' notice thereof at the least, specifying the place, day, and hour of meeting and the objects and business of the meeting.

Confirmation of resolution passed by extraordinary meeting.

37. No resolution passed at an extraordinary meeting convened by shareholders as aforesaid shall be binding on the bank, or have any effect, unless and until the same be confirmed by a second extraordinary meeting which shall be convened for the purpose in accordance with the foregoing provisions, except that seven days' notice thereof only shall be given.

Business of extraordinary meeting.

38. No business shall be transacted at an extraordinary meeting other than the business specified in the notice of the meeting.

Notice of general meeting.

39. (1) Not less than seven nor more than fifteen days' notice of every general meeting specifying the place, time and hour of meeting and (except as regards the business to be transacted without notice at ordinary meetings) the objects and business of the meeting shall be given to the shareholders by circular and by advertisement.

(2) When it is proposed to pass a special resolution both the meetings required for the purpose of passing such resolution may be convened by one and the same notice and it shall be no objection to such notice that it only convenes the second meeting contingently on the resolution being passed by the requisite majority at the first meeting.

Notice of adjourned meetings.

40. When any general meeting is adjourned for seven days or more, the board shall give not less than four days' notice of the adjournment to all the shareholders in the same manner as notice was given of the original meeting ; but when such meeting is adjourned for less than seven days such notice shall when practicable, be served on each shareholder as early as conveniently may be before the day appointed for holding such adjourned meeting.

By whom notice signed.

41. Every notice of a general meeting given by the board shall be signed by the general manager or by such officer as the board may appoint, and every such notice given by shareholders shall be signed by the shareholder or shareholders convening the meeting. The non-receipt by any shareholder of a notice convening a general meeting shall not invalidate the proceedings at such meeting.

Quorum.

42. Except as otherwise provided by these presents no business shall be transacted at any general meeting unless there be present in person at the commencement of the business ten or more shareholders entitled to vote.

Procedure when quorum not present.

43. If at the expiration of one half-hour after the time appointed for holding a general meeting the required number of shareholders be not present, the meeting, if convened upon the requisition of shareholders, shall be dissolved, but in any other case it may adjourn to such time on the following day or to such other day and to such place as the shareholders present at the expiration of the half-hour determine :

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Provided always that if five shareholders entitled to vote be not then present, the meeting shall stand adjourned to the next working day at the same hour and place as were appointed for the original meeting.

Business of adjourned meeting.

44. At any adjourned general meeting the shareholders present, whatever their number, shall have power to decide upon all matters which were on the agenda of the meeting from which the adjournment took place ; but no business shall be transacted at any adjourned meeting other than the business which was on such agenda and which was not taken up, or remained unfinished at the meeting from which the adjournment took place.

Chairman of the meeting.

45. At every general meeting the chairman, if any, of the directors, or during his absence the deputy chairman, if any, or in the case of the absence or unwillingness to act of both, a director chosen by the directors present or, in the case of the absence of all the directors at the expiration of one half-hour from the time appointed for holding the meeting, then a shareholder chosen by the shareholders present shall preside as chairman.

Chairman's power to adjourn meeting.

46. The chairman, with the consent of a majority of the shareholders present at any general meeting, may adjourn such meeting from time to time and from place to place.

Voting.

47. Every motion submitted to a general meeting except where otherwise provided by law or by this Ordinance shall be decided by a simple majority of the shareholders present and entitled to vote and voting by a show of hands unless a poll is demanded. In case of an equality of votes, the chairman shall have a second or casting vote.

Taking of poll.

48. If immediately on the declaration by the chairman of a general meeting of a division on any motion submitted to the meeting, and not relating to the appointment of a chairman or adjournment of the meeting, a poll be demanded by at least five shareholders present and entitled to vote at the meeting or by the Government representative it shall be taken at such time and place and in such manner as the chairman shall direct, and for that purpose he shall have power to adjourn the meeting, if he thinks fit to do so, for any time not exceeding fourteen days and the chairman's declaration of the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded. The demand of a poll or any adjournment of a meeting for the taking of a poll shall not prevent the continuance of such meeting for the transaction of any business other than that on which the poll shall have been demanded.

Notice of postponed poll.

49. In case such poll be not taken on the day on which it is demanded, notice shall be given of the time and place of taking it in the same manner as in the case of an adjourned general meeting.

Chairman's declaration of result conclusive.

50. A declaration by the chairman that a resolution has been carried or in the case of a resolution requiring any particular majority that it has been passed by the requisite majority shall be final and an entry of such declaration in the book of proceedings of the bank shall be conclusive evidence thereof, without proof of the number or proportion of the votes recorded in favour of or against the motion to which such declaration relates.

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Proceedings and resolutions binding notwithstanding defect in mode of convening meeting.

51. The proceedings of every general meeting purporting to have been duly called and constituted, and all resolutions and decisions of such meeting shall be valid and binding on the bank, notwithstanding any defect in the mode of convening the meeting or otherwise.

Votes.

52. On a show of hands every member, who, being an individual, is present in person or, being a corporation, is present by proxy or representative, shall have one vote. On a poll every member who is present in person or by proxy shall have one vote for every share of which he is the holder :

[§ 24, 4 of 1944.]

Provided that the preference shares shall not entitle the holder thereof to attend and vote at any ordinary annual meeting at which only ordinary business is to be transacted ; but shall entitle such holder to be present and vote at all extraordinary meetings, and to be present at annual meetings at which special business is to be transacted and to vote at such meetings on such special business.

Voting by representative.

53. (1) Any authority or corporation which is a shareholder of the bank may by resolution of its directors or other governing body authorize such person as it thinks fit to act as its representative at any general meeting, and the person so authorized shall be entitled to exercise the same powers on behalf of the corporation which he represents as that corporation would exercise if it were an individual member of the bank, and shall be reckoned in the quorum present at the meeting.

(2) The Government director shall by virtue of his office be entitled to exercise all the rights of the Government in respect of any shares held by it.

How incapacitated shareholder may vote.

54. (1) If any shareholder be an idiot or a person of unsound mind, his legally appointed manager may exercise his vote and if any shareholder be a minor, his legally appointed curator or guardian may exercise his vote.

(2) No such manager, curator or guardian shall be entitled to vote unless he shall have deposited at the head office of the bank not less than forty-eight hours before the time of holding the meeting at which he proposes to vote, such evidence as the board may require that he is in fact the manager, curator or guardian of the shareholder whose vote he claims to exercise.

Shareholder in default may not vote.

55. No shareholder shall be entitled to vote in person or by proxy at any general meeting in respect of any share held by him while any call or interest or an unpaid call due from him remains unpaid.

Chairman to decide validity of vote.

56. No objection shall be taken to the validity of any vote except at the meeting or poll at which such vote shall be tendered, and the chairman of such meeting shall be the sole judge of the validity of every vote tendered thereat.

Voting in person or by proxy.

57. Votes may be given either in person or by proxy, but every proxy shall be appointed in writing under the hand of the appointor, or in the case of a corporation under the hand of the secretary or other chief officer thereof.

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Form of proxy.

58. Until the board otherwise prescribe, the following form with any requisite modification thereof, shall be the form of instrument of proxy :—

I, *A. B.* of ————, a shareholder of the Bank of Ceylon, appoint *C. D.* of ———— or him failing *E. F.* of ———— both being shareholders of the bank, to vote as my proxy at the general meeting of the bank, to be held at ———— on the ————, 19—, and at any adjournment thereof. [§ 24, 4 of 1944.]

As witness my hand this ———— day of ————, 19—.

Qualification of proxy holder.

59. No person shall be appointed or act as a proxy unless he be a shareholder qualified to vote, and unless the instrument of his appointment be left at the head office at least forty-eight hours before the hour for holding the meeting at which he is to vote.

PART VI

PROCEEDINGS OF DIRECTORS

Meetings of directors.

60. The directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit and may determine the quorum necessary for the transaction of business. Until otherwise fixed the quorum shall be three.

Who may preside at meetings.

61. The board shall be presided over by the chairman if present, or in his absence, by the deputy chairman, if any ; but if neither a chairman nor a deputy chairman shall have been appointed, or if neither the chairman nor the deputy chairman be present at the time fixed for holding the meeting of the board, the directors present shall choose one of their number to preside.

How questions at board meetings decided.

62. Any question which shall arise at any meeting of the board shall be decided by a majority of votes of those present, and in the case of an equality of votes the director presiding at the meeting shall have a second or casting vote.

Acts to be valid notwithstanding defects in appointments.

63. All acts done by the board or by a committee of directors or by a person acting as director, whether solely or as a member of the board or of a committee, shall, notwithstanding that it be afterwards discovered that there was a defect in the appointment of the board, committee, or person acting as director, or that such person was not qualified to be a director, be as valid as if there had been no such defect and the person acting as director had been duly qualified.

Meetings of committees.

64. The meetings and proceedings of any committee shall be governed by the provisions of this Schedule for regulating the meetings and proceedings of directors, so far as the same are applicable thereto, and are not superseded by the express terms of the appointment of the committee. In any matter in which no provisions are made by the board or by this Schedule a committee may conduct its business in such manner as it thinks fit.

Minutes of proceedings of directors to be kept.

65. (1) The board shall cause minutes to be made in books provided for the purpose of the following matters, namely :—

(*a*) all appointments of officers and committees made by the board ;

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(b) the name of the directors present at every meeting of the board, and at every meeting of a committee ;

(c) the proceedings and resolutions of all meetings of the shareholders, the board, and committees.

(2) Such minutes if signed by some person purporting to be the chairman of the meeting or of the board or committee to which it refers, or by any two directors present thereat, or by the chairman of the next succeeding meeting, shall be receivable in evidence without further proof of the matters therein contained or any other proof.

Custody and use of common seal.

66. (1) The board shall provide a common seal for the purposes of the bank and may from time to time change the same ; and such seal may be kept by such person and in such manner as the board from time to time may determine, but shall not be used except by the authority of the board and in the presence of at least two directors, or of one director and the general manager or other officer appointed for that purpose by the board, who shall sign the document to which the seal is affixed.

(2) The board shall have full power to use the common seal in the execution of all or any of the powers hereby vested in them, or otherwise in relation to the affairs and business of the bank as they in their discretion see fit.

Directors may contract with bank.

67. No director shall be disqualified by his office from contracting with the bank nor shall any such contract entered into by or on behalf of the bank in which any director shall be in any way interested, be voided, nor shall any director so contracting or being interested be liable to account to the bank for any profit realized by or arising out of any such contract but the fact of his being interested and the nature of his interest shall be disclosed by him at the meeting of the directors at which the contract is considered if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest.

[§ 24, 4 of 1944.]

A general notice that a director is a member of a specified firm or company, and is to be regarded as interested in any subsequent transactions with such firm or company, shall be sufficient disclosure under this by-law, and after such general notice it shall not be necessary to give any special notice relating to any particular transaction with such firm or company.

When director may not vote.

68. No director shall as a director vote in respect of any contract in which he is so interested as aforesaid and he shall withdraw from the meeting of the directors while any such contract is under consideration and the vote thereon is being taken. If any director does so vote, his vote shall not be counted.

[§ 24, 4 of 1944.]

Exceptions from provisions of by-law 68.

69. Nothing in by-law 68 shall apply to any contract made by or on behalf of the bank to give to the directors or any of them any security for advances or by way of indemnity.

[§ 24, 4 of 1944.]

Powers of the board.

70. The business of the bank shall be controlled by the board, who, in addition to the powers and authorities by law and by this Ordinance expressly conferred upon them, may, without any further power or authority from the shareholders, exercise all such powers, give all such consents, make all such arrangements, and generally do all such acts

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and things as are or shall be by law or by this Ordinance directed or authorized to be exercised, given, made, or done by the bank, and are not thereby expressly directed to be exercised, given, made or done by the bank in general meeting.

Delegation of functions of board. [§ 10, 19 of 1952.]

71. The board may delegate any of its powers, other than the power to make calls or to appoint the general manager, to committees consisting of two or more directors, or to a director, or to the general manager or to any other officer of the bank selected by the board, and they may from time to time revoke any such delegation either wholly or in part and either as to persons or purposes ; but every such committee, director, general manager or other officer shall, in the exercise of the powers delegated to it, or him, conform to all such regulations as are prescribed by the board. All acts done by any such committee, director, general manager or other officer, in conformity with such regulations and in fulfilment of the purposes of its or his appointment, but not otherwise, shall have the like force and effect as if done by the board.

PART VII

POWERS AND DUTIES OF DIRECTORS

Credits and loans.

72. (1) Notwithstanding any delegation of the board to a director or to any committee or to the general manager or to any other officer of the bank selected by the board, the general manager shall, subject to the general control of the board, be deemed to have power to sanction the granting or continuance of loans, advances or other accommodation up to a limit of one hundred thousand rupees. [§ 6, 39 of 1949.]

(2) The general manager may, with the approval of not less than two directors, sanction the granting or continuance of any loan, advance or other accommodation of any amount exceeding one hundred thousand rupees and not exceeding two hundred and fifty thousand rupees. [§ 6, 39 of 1949.]

(3) No loan, advance or accommodation of any amount exceeding two hundred and fifty thousand rupees shall be granted or continued except with the approval of the board. Such approval shall only be granted if the application is recommended by the general manager or his deputy.

Procedure on bank acquiring title to its own shares.

73. Where by reason of forfeiture, surrender, or otherwise the bank acquires an interest in or title to any of its own shares, the board shall sell, cancel or otherwise dispose of such share as soon as conveniently may be.

Resolution without board meeting valid.

74. (1) A resolution signed by all the directors of the bank for the time being shall be as valid and effectual as if it had been passed at a meeting of the board.

(2) Any such resolution shall be recorded in the minutes book containing the proceedings of the board as if it had been passed at a meeting of the board.

PART VIII

REMUNERATION OF DIRECTORS

Remuneration of directors.

75. During the five years commencing from the establishment of the bank the directors shall be paid out of the funds of the bank such remuneration as the Governor from time to time shall fix :

Provided that such remuneration shall not exceed three hundred rupees per month.

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Remuneration of chairman.

76. The chairman shall out of the funds of the bank be paid an additional remuneration for his services at the rate of two hundred rupees per month.

Deduction for absence from meeting.

77. A sum of fifty rupees shall be deducted from the remuneration of the chairman or any director in respect of each meeting of the board which he fails to attend.

Remuneration of acting director.

78. A director in whose place a person has been appointed to act shall not receive the remuneration attached to his office during the continuance of such acting appointment, but such remuneration shall be paid to the person acting in his place.

Fixing of remuneration after a period of five years.

79. After the period of five years aforesaid the remuneration of the directors shall be determined from time to time by the shareholders in general meeting.

Remuneration of directors for special services.

80. Where any director is entrusted with any special mission or function or by request performs special services on behalf of the bank, the board may grant him such additional remuneration as it thinks fit. The directors may be repaid by the bank all such reasonable travelling, hotel and incidental expenses as they may incur in attending meetings of the board or of committees of the board or meetings of shareholders or which they may otherwise incur in or about the business of the bank.

Government director's remuneration to be paid to Consolidated Fund.
[§ 10, 19 of 1952.]

81. All remuneration to which the Government director becomes entitled shall be paid to the Consolidated Fund.

PART IX

DIVIDENDS AND RESERVE

Declaration of dividend or bonus.

82. The directors may, with the sanction of the shareholders in general meeting, declare a dividend or bonus or both a dividend and bonus, to be paid to the shareholders in proportion to the amount from time to time paid on their shares (but exclusive of any amount for the time being paid up in advance of calls and carrying interest at an agreed rate), and subject to any special privileges or priority for the time being subsisting with regard to any particular class of shares.

Shareholders may not increase dividend.

83. In sanctioning a dividend recommended by the directors the shareholders shall not be entitled to increase such dividend.

Government entitled to insist on dividend being declared unless auditors certify that dividend should not be declared.
[§ 24, 4 of 1944.]

84. (1) If the profits of any financial year of the bank, available for distribution by way of dividend after providing for contingencies and transferring twenty *per centum* of the profits to the reserve fund in accordance with the provisions of this Ordinance but before making any other transfer out of profits to the published reserve or reserves, are sufficient to pay the whole or any part of the dividend on the preference shares but the directors are of opinion that such dividend should not be paid but that such moneys should be retained in order to strengthen the position of the bank, the Secretary to the Treasury[1] may so long as the Government is the holder of at least twenty *per centum* of the issued capital for the time being of the bank require

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the distribution of such profits by way of dividend unless the directors furnish him with a certificate from the auditors for the time being of the bank to the effect that in the opinion of such auditors the course proposed to be adopted by the directors is necessary in the interests of the bank.

(2) The directors shall, in the absence of the certificate provided for in paragraph (1), be bound to comply with any request made under this by-law by the Secretary to the Treasury.[1]

Half-yearly dividends.

85. If and so long as ordinary meetings are held once a year only, the directors may, without the sanction of a general meeting, declare half-yearly dividends in those half-years during which an ordinary meeting is not held :

Provided that the general manager shall have reported to the directors that the profits earned by the bank in the half-year justify the payment of such dividends. [§ 24, 4 of 1944.]

All dividends to be paid out of profits.

86. As soon as may be convenient after the end of each financial year of the bank the general manager shall present to the board a statement of the bank's profits after making such provision as he considers necessary for all bad and doubtful debts and other contingencies. The board may increase but shall not reduce such provision and the profits available for payment of dividend shall be calculated after the deduction of the provision finally determined by the board. No dividend or bonus shall be paid except out of the profits arising from the business of the bank and except after providing for the maintenance of the capital of the bank and for the establishment and maintenance of such reserve fund or funds as the board is bound to establish and maintain and any directors who knowingly and wilfully concur in the declaration or making payable of any dividend or bonus in breach of the provision of this by-law shall be jointly and severally liable for the amount of such dividend or bonus as a debt due by them to the bank. [§ 24, 4 of 1944.]

Investment of reserve fund.

87. Any amounts standing to the credit of any reserve funds and also any other funds of the bank not for the time being employed in or required for the purposes of the business of the bank shall be invested in stocks, shares, debentures, bonds or securities issued or guaranteed by the Government of Ceylon or by any other Government of any other country which is a member of the Commonwealth or any local or public authority in Ceylon.

Unpaid dividend or bonus not to bear interest.

88. No unpaid dividend or bonus shall at any time bear interest as against the bank.

Board may deduct money due for calls.

89. The board may deduct from the interest, dividends, and bonus payable to any shareholder all sums of money due from him to the bank on account of calls or interest thereon or otherwise.

Notice of dividends and bonuses.

90. (1) Notice of all dividends and bonuses and of interest payable on capital paid in advance shall be given to every shareholder entitled thereto. Any such dividend, bonus or interest unclaimed for three years after such notice may be forfeited by the board for the benefit of the bank.

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(2) Notwithstanding such forfeiture the board may at any time thereafter, if they think fit, authorize the payment thereof to any claimant who shall adduce a title thereto to the satisfaction of the board.

PART X

NOTICES

Service of notices on shareholders.

91. (1) Any notice, circular or other document required to be served by the bank upon any shareholders may be served either personally or by being sent by post to the shareholder at his registered address, and every notice or document sent through the post shall be deemed to have been served at the time at which it would have been received in the ordinary course of post.

(2) In proving such service by post it shall be sufficient to prove that the notice or document, or the letter containing it, was duly addressed and posted.

Service of notices by shareholders.

92. Any notice or other document required to be served upon the bank by any shareholder may be served by leaving the same at the head office, or by sending it through the post addressed to the bank at the head office; and in proving such service by post, it shall be sufficient to prove that the notice or document, or the letter containing it, was duly addressed and posted or left at the head office.

Advertisements.

93. All notices required by these presents to be or which may be given by advertisement shall be advertised in the Gazette and in one of the daily newspapers published in Colombo, and shall be deemed to have been sufficiently given if so advertised.

Shareholders bound by notices given to previous holders.

94. Every person who by operation of law, transfer, or other means whatsoever shall become entitled to any share, shall be bound by any and every notice or other document which previous to his name and address being entered in the register in respect of that share, has been given to the person from whom he derives his title.

Service of notice good notwithstanding death of shareholder.

95. When any notice or document is sent in accordance with these regulations to the registered address of a shareholder, then, notwithstanding he be then deceased, and whether or not the bank has notice of his decease, such notice or other document shall, for all the purposes of these regulations, be deemed to have been served on his heirs, executors, or administrators, notwithstanding they are not named therein.

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CHAPTER 398

STATE MORTGAGE BANK

AN ORDINANCE FOR ESTABLISHING AND REGULATING THE CEYLON STATE MORTGAGE BANK.

Ordinances
Nos. 16 of 1931,
23 of 1934,
1 of 1935,
58 of 1935,
24 of 1938,
24 of 1939,
14 of 1941,
11 of 1944,
10 of 1947,

Acts
Nos. 50 of 1949,
41 of 1950,
21 of 1955,
31 of 1956.

[*1st October, 1931.*]

CHAPTER I

PRELIMINARY

Short title.

1. This Ordinance may be cited as the Ceylon State Mortgage Bank Ordinance.

Interpretation.

2. In this Ordinance except in so far as anything in the subject or context otherwise implies the following expressions shall have the meanings respectively assigned to them :—

"the bank" means the Ceylon State Mortgage Bank ;

"board" means the board of directors appointed under this Ordinance ;

"branch board" means a board established under section 24 ;

"director", "member of a branch board", "manager", and "assistant manager" means the persons appointed to these offices under this Ordinance ;

"prescribed" means prescribed by this Ordinance or by rules made thereunder.

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CHAPTER II

ESTABLISHMENT

Establishment of the bank.

3. A bank to be called "The Ceylon State Mortgage Bank" shall be established in Colombo for the purpose of granting long-term loans for agricultural and other prescribed purposes in accordance with the provisions of this Ordinance on the primary mortgage of immovable property situated in Ceylon.

[§ 2, 10 of 1947.]

Legal status of the bank.

4. The bank shall be a body corporate having perpetual succession and a common seal ; it shall under the above-mentioned name be capable of suing and being sued ; and it shall subject to the provisions of this Ordinance be capable of acquiring, holding, and alienating property movable and immovable and of doing all such acts and things as bodies corporate may do and perform.

Head office of the bank.

5. The head office of the bank shall be in Colombo, and such branch offices as are necessary may be established in the provinces as the board considers necessary.

The law governing the bank.

6. The bank shall be conducted and managed in accordance with the provisions of this Ordinance to the exclusion of the provisions of the Companies Ordinance and any other law specially governing banks.

Business of the bank.

7. The business of the bank shall be the granting of loans and their recovery in accordance with the provisions of this Ordinance, and for this purpose the bank may raise funds by the issue of debentures and do all such other matters and things as may be incidental or subsidiary to its business.

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CHAPTER III

MANAGEMENT

(I) BOARD OF DIRECTORS

The board of directors.

8. The general supervision, control, and administration of the affairs and business of the bank shall be entrusted to a board of directors consisting of five fit and proper persons appointed by the Minister.[1]

Powers of board.

9. The board may exercise all such powers and do all such acts and things as may be necessary for carrying on the business of the bank.

Directors' term of office.

10. Every director shall ordinarily be appointed for a term of five years and he shall hold office for that period unless he dies, retires, or is removed or disqualified earlier.

Remuneration of directors.

11. Every director shall in accordance with the prescribed scale be paid a fee for each day or portion of a day upon which he is engaged upon the business of the bank.

Disqualification and removal of directors.

12. (1) The Minister[1] may, for incapacity or misbehaviour, remove a director from his office.

(2) No person shall be appointed to the office of director who—

(*a*) has been adjudicated an insolvent and has not received a certificate ; or

(*b*) is of unsound mind or has been convicted of an offence and sentenced to imprisonment without the option of a fine.

(3) A person appointed to the office of director shall become disqualified to retain his office and shall *ipso facto* cease to be a director if—

(*a*) he is adjudicated an insolvent, or assigns his estate for the benefit of his creditors, or enters into a deed of arrangement with his creditors or makes an assignment of his remuneration for their benefit ; or

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(*b*) he is of unsound mind or is convicted of an offence and sentenced to imprisonment without the option of a fine ; or

(*c*) he is absent without leave from the Minister [1] from all the meetings of the board during any two consecutive months.

(4) No Member of Parliament [1] shall be appointed to or retain the office of director:

Provided that a director becoming disqualified to retain his office and *ipso facto* ceasing to be a director under subsection (3) (*c*) of this section shall not thereby be deemed ineligible for reappointment.

Vacancies on the board.

13. (1) When a director ceases to hold office by reason of the expiry of the period for which he was appointed, the Minister [1] shall make a new appointment. The retiring director shall be eligible for reappointment if not otherwise disqualified.

(2) If a director ceases to hold office before the expiry of the period for which he was appointed, the Minister [1] shall make a new appointment for the remainder of the period for which such director would have held office.

(3) Where a director is granted leave of absence the Minister [1] may make a new appointment for the period for which such director is granted leave.

Chairman of the board.

14. (1) The Minister [1] shall each year appoint from among the directors the chairman of the board for the year. The chairman shall preside at every meeting of the board at which he is present and shall have a second or casting vote in all cases of an equality of votes. In the absence of the chairman, the directors present at a meeting shall choose one of their number to preside who shall for that meeting have all the powers of the chairman including the right to a casting vote.

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(2) Where a director who has been appointed the chairman of the board for any year, is granted leave of absence for any period during that year, the Minister[1] shall make a new appointment, from among the directors, of a chairman for that period. [§ 2, 24 of 1938.]

Meetings.

15. (1) A meeting of the board shall be held at least once a month and oftener if the chairman thinks it necessary.

(2) The chairman shall upon a written requisition of two directors call a special meeting. No such special meeting shall be held unless at least four days' notice specifying the time of such meeting and the purpose for which it is to be held has been given by written or printed notice to every director.

Quorum.

16. Three members shall constitute a quorum at any meeting of the board and all acts authorized or required to be done by the board shall be decided by a majority of directors present and voting at a meeting at which a quorum is present:

Provided that when only three members are present no loan exceeding ten thousand rupees shall be sanctioned except by a unanimous resolution.

Minutes.

17. Minutes of the proceedings of every meeting of the board shall be regularly drawn up and fairly entered in books to be kept for the purpose, and the books shall be so kept as to show properly tabulated details of the business transacted at each meeting. The minutes of the proceedings of each meeting shall be submitted at the next ensuing meeting, and if they are then passed as correct they shall be confirmed by the signature of the person presiding thereat, and shall thereafter be prima facie evidence of the proceedings of which they are a record.

(II) OFFICERS OF THE BANK

Appointment and salary of manager and assistant manager.

18. (1) The board shall, subject to the approval of the Minister,[1] appoint a person to be the manager of the bank, and may, subject to the approval of the Minister,[1] remove such person from office and appoint another person in his stead.

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(2) The board may, subject to the approval of the Minister,[1] also appoint a person to the office of assistant manager of the bank, and subject to the approval of the Minister[1] remove such person from office and appoint another person in his stead.

(3) The manager and assistant manager shall be full-time officers of the bank and shall receive such salary as may, with the approval of the Minister given with the concurrence of the Minister of Finance,[1] be fixed by the board.

Powers of manager and assistant manager.

19. (1) The manager shall be the chief executive officer of the bank and all acts which are directed by this Ordinance to be done by the board may, unless the contrary intention appears from the context, be done by the manager if, with the approval of the Minister,[1] he is specially or generally authorized in writing thereto by the board. He shall attend and take part in every meeting of the board, unless directed not to attend by the board, but he shall not have the right to vote.

(2) The assistant manager may do all such acts as he is required or permitted to do by the manager in writing, provided the manager may himself have done them.

Subordinate officers.

20. For the purpose of carrying out the provisions of this Ordinance, the board may by resolution appoint and at its discretion remove such officers and servants other than those herein before mentioned as it may think necessary. It may also from time to time fix and alter the salaries and allowances attached to such offices.

Valuators.

[§ 3, 24 of 1938.]

21. The board may from time to time appoint fit and proper persons to inspect and value properties for the purpose of this Ordinance, and prescribe by rules made under section 93 the scales for their remuneration and travelling charges :

Provided, however, that it shall be lawful—

(*a*) for the board to determine by resolution ; or

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(*b*) for the manager, if, with the approval of the Minister given with the concurrence of the Minister of Finance,[1] he is specially or generally authorized thereto by the board under section 19 (1), to determine,

the remuneration and travelling charges to be paid to any such person in respect of the valuation of any property.

Legal advisers.

22. The board may from time to time appoint any duly qualified person to act as legal adviser to the bank and prescribe the scale of fees for his remuneration.

Agents.

23. The board may appoint any bank or any person as its agent in Ceylon or elsewhere to do any act on its behalf which it is authorized to delegate to another and it may enter into an agreement with such agent as to the duties to be performed and the remuneration therefor.

(III) BRANCH BOARDS

Establishment and members.

24. The board may from time to time establish branch boards for any area, and subject to the approval of the Minister[1] it may from time to time appoint persons to serve on the branch boards.

Duties and powers.

25. A branch board shall be subordinate to the board and shall—

(*a*) consider all applications submitted to it and transmit them to the board with its recommendations thereon ; and

(*b*) advise and assist the board in all matters in which its advice or assistance is sought.

Constitution, members, and chairman.

26. Every branch board shall consist of two members and a chairman who shall be specially appointed for each year by the board.

Term of office of members.

27. A member of a branch board shall hold office for a period of two years, but he shall remain eligible for reappointment at the end of his term unless otherwise disqualified.

M 5—J. N. R 7598 (4/60)

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Qualification and disqualification for membership.

28. A member of a branch board shall be disqualified from holding office and shall be removed from office and cease *ipso facto* to hold office on the same grounds and for the same reasons that a director is disqualified or may be removed from or cease to hold office.

Quorum and procedure at meetings.

29. Two members shall constitute a quorum of a branch board and all acts, matters, and things authorized or required to be done by a branch board shall be decided by a resolution of a meeting at which a quorum is present.

Remuneration.

30. Every member of a branch board shall in accordance with the prescribed scale be paid a fee for each day or portion of a day upon which he is engaged upon the business of the bank, and also all reasonable expenses incurred by him for travelling and subsistence while so engaged at the request of the board.

(IV) GENERAL

Security from officers.

31. The board may require the manager, assistant manager, accountant, shroff, or any other officer of the bank to furnish security for the faithful discharge of his duties in such amount and in such manner as the board thinks proper.

Protection of officers.

32. No director and no officer of the bank shall be liable, either civilly or criminally, in respect of anything which he may have done or may have omitted to do when acting in good faith in pursuance or in supposed pursuance of his powers under this Ordinance.

Disabilities of directors, officers, and servants.

[§ 3, 10 of 1947.]

33. No officer or servant of the bank in receipt of a monthly salary and no director shall be granted a loan under this Ordinance or be entitled to purchase any immovable property sold under the provisions of this Ordinance.

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34. Every director, every member of a branch board, and every employee of the bank shall, before entering upon his duties or exercising any power under this Ordinance, make before a Justice of the Peace a declaration of fidelity and secrecy in the prescribed form.

Declaration of fidelity and secrecy.

CHAPTER IV

Debentures

(1) Issue

35. The board may raise from time to time by the issue of debentures funds necessary to carry on the business of the bank :

Power to raise money on debentures.

(*a*) Provided that the total indebtedness of the bank on the principal of the debentures shall never exceed the total sum loaned by the bank upon the security of mortgages and remaining unpaid nor shall such total indebtedness exceed twenty-five million rupees ;

(*b*) Provided further that moneys repaid to the bank on account of the principal of loans and retained by the bank for the purpose of redeeming debentures shall for the purposes of this section be calculated for a period not exceeding six months as a part of the total sum loaned by the bank upon the security of mortgages and remaining unpaid.

36. (1) Debentures shall be in the form prescribed and be authenticated by the seal of the bank.

Form of debentures, and exemption from stamp duty. [§ 2, 21 of 1955.]

(2) No stamp duty shall be payable in respect of any debenture issued under this Ordinance or in respect of any instrument of transfer of any such debenture.

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Certificate of Secretary to the Treasury to be conclusive proof of regularity of issue of debenture.
[§ 4, 24 of 1938.]

37. Every debenture shall be inscribed with a certificate bearing the signature or the facsimile of the signature of the Secretary to the Treasury[1] in the form set out in Schedule D. Such certificate shall for all purposes be conclusive evidence of the fact that the debenture has been duly issued in conformity with the provisions of this Ordinance and that the payment of the principal of the debenture and of the interest thereon is a charge upon the Consolidated Fund[1] under section 40.

Amount of each debenture, and rate of interest.
[§ 3, 21 of 1955.]

38. Debentures shall be for a sum of fifty rupees each and shall bear interest at a rate to be fixed at the time of issue by the board with the approval of the Minister of Finance :

Provided that where any applicant for debentures elects to have such debentures issued to him in a denomination higher than fifty rupees, the directors may, if they think fit, issue debentures to that applicant in that higher denomination.

Issue of debentures in the name of a minor.
[§ 5, 24 of 1938.]

39. (1) The board may issue debentures in the name of a minor upon application in that behalf made by the minor, or by either of his parents or by the person to whom a certificate of curatorship to the estate of the minor has been granted.

(2) Where any application is made under subsection (1) or where any debenture is issued upon such application, the provisions of this Chapter and of any rules made under section 93 (1) (*d*) shall, save as otherwise provided in this section or in section 42 but notwithstanding anything in any written or other law to the contrary, apply in like manner as if such application was made by or on behalf of, or such debenture was issued in the name of, a person who has attained the age of twenty-one years.

(II) PAYMENTS

Source for redemption of debentures.

40. The interest on and principal of debentures shall be paid as they fall due from the funds of the bank in the manner hereinafter provided. Should such funds

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be insufficient to make any such payments, such interest and principal shall be paid from the Consolidated Fund[1] upon which they are hereby constituted a charge.

Payment of interest.

41. The interest due on a debenture shall run from the day named in the debenture and shall be paid half-yearly on the thirty-first day of March and the thirtieth day of September.

Payments in respect of debentures issued in the name of a minor. [§ 7, 24 of 1938.]

42. (1) The interest on and principal of any debenture issued in the name of a minor shall be paid—

(*a*) if the debenture was issued upon the application of the minor, to the minor ;

(*b*) if the debenture was issued upon the application of his parent or of a person to whom a certificate of curatorship to the estate of the minor has been granted, to the parent or to such person or to the successor of such person, as the case may be :

Provided, however, that—

(i) where a debenture is issued in the name of a minor upon application made by his parent, the interest on and principal of the debenture may, if the parent so requires, be paid to the minor ; and

(ii) every payment made in respect of any debenture issued in the name of any person who is not, on the date of payment, a minor, shall be made to that person.

(2) The receipt of any minor, parent or other person for any money paid to him in accordance with the provisions of subsection (1) shall, notwithstanding anything in any written or other law to the contrary, be a full and sufficient discharge therefor.

(III) REDEMPTION

Redemption of debentures. [§ 5, 21 of 1955.]

43. The board shall, prior to each issue of debentures, determine, with the approval of the Minister of Finance, the time or times at which and the manner in which debentures of that issue will be redeemed and

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the circumstances in which and the conditions and restrictions subject to which all or any of such debentures may be compulsorily redeemed.

Cesser of interest after repayment is available.

44. From and after the day appointed for the repayment of any debentures all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal is or is not demanded.

(IV) TRANSFER

Transfer of debentures.

45. A debenture holder may transfer all or any of his debentures in the manner prescribed by rules under this Ordinance.

(V) REGISTER

Register of debentures.

46. The bank shall keep a register in which all debentures shall be entered together with their dates of issue and the names of their holders.

Validity of transfer.

47. No transfer of a debenture shall be legally valid until such transfer has been entered in the register and endorsed upon the debenture by an officer of the bank thereto authorized in writing by the board.

Transmission of debentures.

48. The executors or administrators or heirs of a deceased debenture holder shall be the only persons recognized by the bank as having any title to the debentures of such deceased holder.

The register evidence of title.

49. The register shall be conclusive evidence that the persons entered therein as the holders of debentures are entitled to such debentures, of the dates of issue, redemption, cancellation, transfer, or transmission of debentures and of all other matters entered therein.

Bank not to be affected with notice of trusts.

[§ 4, 24 of 1939.]

50. (1) Save as is otherwise provided in this section, no notice of any trust in respect of any debenture shall be receivable by the bank.

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(2) (*a*) Any debenture holder or any person who is an applicant for any debenture or to whom any debenture is to be transferred may, by request made in writing to the board, require that he be described in the register of debentures as a trustee, whether under a specified instrument of trust or otherwise ; and on such request being made, the board shall make such entries, in the register of debentures and in any debenture issued to such person, as the board may consider necessary for the purpose of complying with the request.

(*b*) Where any request is made under paragraph (*a*) by a debenture holder or by a person to whom a debenture is to be transferred, the debenture shall be forwarded to the board at the time when such request is made.

(3) Where any instrument of transfer of a debenture or any power of attorney or other document purporting to be executed by a debenture holder, who is described in the register of debentures as a trustee, is produced to the board, the board shall not be concerned to inquire whether the debenture holder is entitled in law to execute such instrument or other document or to give any such power ; and the board may act upon such instrument or power of attorney or document in like manner as though the debenture holder had not been described in the register as a trustee, whether or not he is so described in such instrument, power, or document and whether or not he purports to execute such instrument, power of attorney or document in his capacity as a trustee.

(4) Nothing in subsection (2) or subsection (3) shall, as between any trustees or as between any trustee and any beneficiary, be deemed to authorize a trustee to act otherwise than in accordance with the rules of law applicable in the case of that trustee and the terms of the instrument if any appointing him a trustee ; and neither the Government of Ceylon, nor the bank, nor any person holding or acquiring any interest in any

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debenture shall, by reason only of any entry in the register of debentures, or of anything in any debenture or in any document or instrument relating thereto, be affected with notice of any trust or the fiduciary character of any debenture holder or of any fiduciary obligation attaching to the holding of any debenture.

(5) In this section, "trustee" includes the executor of the last will or the administrator of the estate of a deceased person, the curator of the property of a minor, the manager of the estate of a person of unsound mind and any person holding or intending to hold any debenture on behalf or for the benefit of any other person or body of persons.

CHAPTER V

LOANS

(I) GRANTING

Purpose for which loans may be granted.

51. The bank may make loans for any of the following purposes and such purposes only :—

(*a*) the purchase or lease of agricultural land, its development, and improvement and the incurring of capital expenditure necessary for the preparation of its produce for the market ;

(*b*) any purpose incidental, accessary, or ancillary to any of the above purposes ;

(*c*) the liquidation of debts already incurred for any of the above purposes ;

(*d*) any other purpose which may be prescribed by rule made under section 94 :

Provided that in making such loans the bank shall give preference to any person who applies for a loan for any of the purposes authorized in paragraphs (*a*), (*b*) and (*c*).

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Conditions on which loans may be granted.

52. (1) Every loan granted by the bank shall be subject to the following conditions and limitations, namely :—

(*a*) the total amount on loan from the bank to any person at any one time shall not exceed the amount fixed by rules under section 94, and no loan shall be less than the sum of two thousand rupees ; [§ 8, 24 of 1938.] [§ 5, 24 of 1939.]

(*b*) no loan shall be granted for a period less than five years or exceeding twenty-five years ;

(*c*) no loan shall be granted unless its repayment is secured by a primary mortgage of immovable property in Ceylon, not being— [§ 4, 10 of 1947.]

(i) an undivided share in any property, or

(ii) an interest under any lease, other than a lease from the Crown which is not due to expire within a period of thirty years from the date on which the loan is granted ;

(*d*) no loan shall be granted until the mortgage referred to in paragraph (*c*) is executed substantially in the form of Schedule A or in any other form prescribed under section 92 and is duly registered ; [§ 4, 10 of 1947.]

(*e*) the amount of any loan which may be granted by the bank at any time on the security of any property, together with such amount, if any, as may at that time be outstanding in respect of any earlier loan on the security of the same property, shall not exceed three-fourths of the amount at which that property is valued at that time in accordance with the provisions of this Ordinance ; [§ 8, 24 of 1938.] [§ 2, 31 of 1956.]

(*f*) no loan shall be granted at a rate of interest less than the minimum rate fixed by rule under section 94.

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[§ 8, 24 of 1938.]

(2) Where a loan has been granted by the bank and the property mortgaged as security for that loan is not encumbered by any mortgage to any person other than the bank, the bank may, subject to the other provisions of this Ordinance relating to loans, grant an additional loan the repayment of which shall be secured by a further mortgage of that property ; and such further mortgage shall, for the purposes of subsection (1) and of section 3, be deemed to be a primary mortgage.

Requisites to be satisfied before loan is granted.

53. No loan shall be granted unless the board shall have first satisfied itself—

(*a*) that the security offered is adequate, regard being had to the market value of the property, to the annual income derived or likely to be derived from it in the future, to the possibility of its depreciation in the future and to the risks incidental to a forced sale ;

[§ 3, 31 of 1956.]

(*b*) that the borrower has valid title to the property offered as security ;

(*c*) that the purpose for which the loan is required is one contemplated by section 51 ; and

(*d*) that there is no other good and valid reason why the loan should not be granted.

Board's power to grant loan.

54. No loan shall be granted except by a resolution of the board :

Provided that the board may under section 19 empower the manager to grant loans up to any sum not exceeding ten thousand rupees ;

Provided further that no loan exceeding ten thousand rupees shall be granted by a resolution passed by the favourable votes of less than three directors.

Withdrawal of the grant of a loan.

55. At any time after the approval of a loan and before the actual payment of the money the board may at its discretion and without assigning any reason therefor cancel or modify such approval and withhold payment of the whole or a portion of the money.

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Priority of charge created by loan.

56. Where a loan is granted by the bank, the property mortgaged as security for it shall from and after the date of the mortgage be charged with the payment of the loan with interest in priority to every other debt, mortgage, or charge affecting it, except an earlier duly registered mortgage debt due to a creditor who in good faith advanced the money before the loan was granted by the bank.

(II) APPLICATION

Board's power to investigate application of loan.

57. (1) The board may call upon any person to whom a loan has been granted to satisfy the board that the loan has been or is being applied to the purpose for which it was granted, and the person so called upon may adduce evidence before any director, appointed in writing for the purpose, to prove that the loan has been or is being applied for such purpose.

(2) If the board is not satisfied that the loan has been or is being applied for the purpose for which it was granted it may by an order direct that within the time named therein either the loan be repaid in full with interest or a sum equal to the loan be applied to the said purpose.

(III) REPAYMENT

Payments by half-yearly instalments.

58. (1) Repayment of loans shall be made half-yearly by instalments or equated payments.

(2) An instalment shall consist of a fixed portion of the principal together with the interest due up to the date of payment.

(3) An equated payment shall consist partly of principal and partly of interest calculated in accordance with the prescribed tables which specify as to every one hundred rupees of the loan—

(*a*) the number of the instalments ;

(*b*) the portion of each instalment which constitutes interest and the portion which is appropriated on account of principal ;

(*c*) the balance of principal still owing after each instalment has been paid.

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Recalling of loans.

59. (1) If at any time after the granting of a loan the board is satisfied—

[§ 6, 10 of 1947.]

(*a*) that the property given as security has depreciated in value to such an extent as to endanger the safety of the loan ; or

(*b*) that the title of the borrower is such that it ought not to have been accepted as adequate ; or

(*c*) that owing to material misstatements by the borrower or misapprehension of the actual facts by the board the loan was granted in circumstances in which it would not have been granted if the true facts had been known ; or

[§ 6, 10 of 1947.]

(*d*) in any case where the loan has been secured by a mortgage of the interest of the borrower under a lease from the Crown, that the Crown intends to cancel or otherwise determine the lease,

[§ 6, 24 of 1939.]

the board shall, unless additional security which is adequate, in the opinion of the board, is offered in respect of that loan, issue an order requiring the loan to be repaid either in full or in part by a date to be specified in the order.

[§ 6, 24 of 1939.]

(2) Where an order issued under subsection (1) is not complied with, default shall be deemed to be made in respect of the whole of the unpaid portion of the loan and the interest due thereon up to date, and the provisions of part (IV) of this Chapter shall apply accordingly.

Anticipation of payments.

[§ 7, 24 of 1939.]

60. The board shall accept any payment in respect of a loan before the date on which such payment is due, if notice of three months is given to the board of the intention to make such payment.

Change of security.

61. The board may accept new security in lieu of the whole or part of any security it has already accepted for a loan, if the security tendered in substitution is such that the board would be entitled to accept it alone

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or together with the portion of the old security which is to remain, as the case may be, as security for a new loan equal to the total principal and interest still outstanding on account of the old loan.

(IV) RECOVERY

Procedure on default of payment. [§ 8, 24 of 1939.]

62. (1) Whenever default is made in the payment of any sum due on a loan, whether on account of principal or of interest or of both, default shall be deemed to have been made in respect of the whole of the unpaid portion of the loan and the interest due thereon up to date ; and the board may, by special resolution published in the Gazette, authorize any person in writing to sell the property mortgaged as security for such payment by public auction at any time not less than twenty-one days after the date on which such resolution is published, in order to recover the whole of the unpaid portion of the loan and the interest due thereon up to the date of sale and the moneys and costs recoverable under section 63.

(2) (*a*) Save as otherwise provided in paragraph (*b*), the provisions of subsection (1) shall apply in the case of any default notwithstanding that the borrower may have died or that any right, title or interest whatsoever in the property mortgaged to the bank as security for the loan may have passed by voluntary conveyance or by operation of law to any other person.

(*b*) Where a borrower is dead and probate of his will or letters of administration to his estate have not been issued to any person, the District Court of Colombo or the District Court of the district in which the property, mortgaged to the bank by that borrower, is situate, may, upon application made in that behalf by the board and after service of notice of the application on such persons, if any, as the court may order, and if satisfied that the grant of probate or the issue of letters of administration is likely to be unduly delayed, appoint a person to represent the estate of the borrower for

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the purposes of this section ; and the provisions of subsection (1) shall not apply in the case of any default made by such borrower unless and until a person is appointed under this paragraph to represent the estate of such borrower.

(3) (*a*) Notice of every resolution under subsection (1) authorizing the sale of any property shall be published in the Gazette and in a daily newspaper, and copies of such notice shall be despatched to the borrower, if he is alive, and to every person who has, in respect of that property, registered his address under the provisions of paragraphs (*b*) and (*c*) of section 105 (1), and, if that property consists of the interest of a lessee under a lease from the Crown, to the Land Commissioner.

[§ 7, 10 of 1947.]

(*b*) Notice of the date, time and place of every sale shall, not less than fourteen days before the date fixed for the sale, be published in the Gazette and copies of such notice shall be—

(i) despatched to the borrower if he is alive, and to every person to whom notice of any resolution is required to be despatched under paragraph (*a*) ;

(ii) posted on or near the property which is to be sold ; and

(iii) affixed to the walls of the kachcheri and the several District Courts and Magistrates' Courts within the jurisdiction of which the property is situate.

(4) (*a*) If the amount of the whole of the unpaid portion of the loan together with interest, including any penal interest due thereon, and of the moneys and costs, if any, recoverable by the board under section 63, is tendered to the board at any time before the date fixed for the sale, the property shall not be sold, and no further steps shall be taken in pursuance of the resolution under subsection (1) for the sale of that property.

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(*b*) If the amount of the instalment or equated payment in respect of which default has been made, together with any penal interest due thereon, and of the moneys and costs, if any, recoverable by the board under section 63 is tendered to the board at any time before the date fixed for the sale, the board may, in its discretion, direct that the property shall not be sold, and that no further steps shall be taken in pursuance of the resolution under subsection (1) for the sale of that property.

(5) The board may fix an upset price below which the property shall not be sold to any person other than the bank.

(6) In any case where two or more loans have been granted by the bank on the security of the same property and default is made in the payment of any sum due upon any one or more of such loans, the provisions of this section shall apply notwithstanding that default may not have been made in respect of the other loan or any of the other loans, and the board may, in any such case, by resolution under subsection (1) authorize the sale of the property for the recovery of the total amount due to the bank in respect of both or all the loans, as the case may be, and the provisions of this part of this Chapter shall apply accordingly.

(7) Nothing in this section shall preclude the board from recovering the amount due on a mortgage bond in accordance with the provisions of any other written law.

Recovery of expenses and costs incurred by the bank.
[§ 10, 24 of 1938.]

63. Besides the amount due on the loan, the board may recover from the debtor or any person acting on his behalf—

(*a*) all moneys expended by the bank, in accordance with the covenants contained in the mortgage bond executed by the debtor, in the payment of premiums and other charges in respect of the policy of insurance effected on the property mortgaged to the bank and in the payment of all other costs and charges authorized to be incurred by the bank, under the covenants contained in the mortgage bond executed by the debtor ; and [§ 8, 10 of 1947.]

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[§ 8, 10 of 1947.]

(*b*) the costs of advertising the sale and of selling the property:

Provided that the costs incurred under this paragraph shall not exceed such percentage of the loan as may be prescribed ; and

[§ 8, 10 of 1947.]

(*c*) in any case where the property mortgaged as security for the loan consists of the interest of the debtor under a lease from the Crown, and such property has been surrendered to the Crown in accordance with the provisions of section 69, all moneys paid to the Crown by the board on such surrender as moneys due to the Crown by the debtor under the said lease.

Payment of excess.
[§ 9, 10 of 1947.]
[§ 11, 24 of 1938.]

64. If the property is sold, the board shall, after deducting from the sale proceeds the amount due on the mortgage and the moneys and costs recoverable under section 63, pay the overplus, if any, either to the debtor or any person legally entitled to accept the payments due to the debtor, or into the District Court having jurisdiction over the property sold in case the board is in doubt as to whom the money is to be paid.

Certificate of sale.
[§ 10, 10 of 1947.]

65. (1) If the property is sold the board shall sign a certificate of sale and thereupon all the right, title, and interest of the debtor to and in the property shall vest in the purchaser, nor shall any person claiming through or under any disposition whatsoever of the debtor's right, title, or interest to and in the property made or registered subsequently to the mortgage of the property to the bank be able in any court of law to move to invalidate the sale for any cause whatsoever or to maintain any right, title or interest to or in the property as against the purchaser.

Such certificate shall be conclusive proof with respect to the sale of any property that all provisions of this Ordinance have been observed.

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(2) If the purchaser is some person other than the bank the certificate shall be substantially in the form in Schedule B, and if the purchaser is the bank the certificate shall be substantially in the form in Schedule C.

(3) Every certificate of sale shall be liable to the stamp duty and charges fixed for conveyance of immovable property, and to any registration or other charges authorized by law, all of which shall be payable by the purchaser.

(4) Where the property sold consists of the interest of a lessee under a lease from the Crown, then, if the purchaser of the property is some person other than the bank, the certificate of sale shall not be signed by the board unless the Land Commissioner, in the exercise of his discretion, has approved the purchaser. [§ 10, 10 of 1947.]

(5) Whenever the Land Commissioner refuses, under subsection (4), to approve any purchaser of the interest of a lessee under a lease from the Crown— [§ 10, 10 of 1947.]

(*a*) all sums paid to the bank by the purchaser in respect of the sale shall be repaid to him by the board ;

(*b*) the costs of advertising and holding such sale shall be deemed to be costs recoverable by the board under section 63 (*b*) ; and

(*c*) the property shall be resold in accordance with the provisions of this Ordinance.

Order for delivery of possession. [§ 9, 24 of 1939.] [§ 9, 10 of 1947.]

66. (1) The purchaser of any property sold in pursuance of the provisions of section 62 shall, upon application made to the District Court of Colombo or the District Court having jurisdiction over the place where the property is situate, and upon production of the certificate of sale issued in respect of the property under section 65, be entitled to obtain an order for delivery of possession of the property.

(2) Every application under subsection (1) shall be made, and shall be disposed of, by way of summary procedure in accordance with the provisions of Chapter XXIV of the Civil Procedure Code ; and on

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all documents filed for the purposes of each such application and on all proceedings held thereupon, stamp duties and other charges shall be payable at the respective rates payable under any written law for the time being in force, on applications for, and proceedings connected with or incidental to, the execution of a decree of a District Court for the delivery of possession of a property of the same value as the property to which such application relates.

(3) Where the land sold in pursuance of the provisions of section 62 is in the occupancy of the debtor or of some person on his behalf or of some person claiming under a title created by the debtor subsequently to the mortgage of the property to the bank, the District Court shall order delivery to be made by putting the purchaser, or any person whom he may appoint to receive possession on his behalf, in possession of the property.

(4) Where the property sold in pursuance of the provisions of section 62 is in the occupancy of a tenant or other person entitled to occupy the same, the District Court shall order delivery to be made by affixing a notice that the sale has taken place, in the English and in the Sinhalese or Tamil language, in some conspicuous place on the property, and proclaiming to the occupant by beat of tom-tom, or in such other mode as may be customary, at some convenient place, that the interest of the debtor has been transferred to the purchaser. The cost of such proclamation shall be fixed by the court and shall in every case be prepaid by the purchaser.

(5) Every order under subsection (3) or subsection (4) shall be deemed, as the case may be, to be an order for delivery of possession made under section 287 or section 288 of the Civil Procedure Code, and may be enforced in like manner as an order so made, the debtor and the purchaser being deemed, for the purpose of the application of any provision of that Code, to be the judgment-debtor and judgment-creditor, respectively.

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Cancellation of sale.
[§ 9, 10 of 1947.]

67. If the property sold has been purchased on behalf of the bank the board may, at any time before it resells the property, cancel the sale by an endorsement to that effect on a certified copy of the certificate of sale, if the debtor or anyone on his behalf pays the amount due in respect of the loan for which the property was sold (including the costs of seizure and sale) and interest on the aggregate sum at a rate not exceeding nine *per centum* per annum. Such an endorsement shall, upon registration in the office of the Registrar of Lands, revest the said property in the proprietor as though the sale under this Ordinance had never been made.

Resale by bank.
[§ 9, 10 of 1947.]
[§ 11, 10 of 1947.]

68. If the property so sold has been purchased on behalf of the bank, and the sale is not cancelled under section 67, the board may, at any time, resell the property and transfer to the purchaser by endorsement on a certified copy of the certificate referred to in subsection (3) of section 65, all the right, title, and interest which would have been acquired by a purchaser at the original sale. The endorsement which shall be liable to the same stamp duty and charges as a certificate to a purchaser at the original sale, shall when it is registered in the office of the Registrar of Lands vest such right, title, and interest as aforesaid in the purchaser.

Limit of retention of property by the bank.

69. If at any sale under section 62 the bank has purchased any property sold for default in the repayment of a loan the bank shall not hold such property for a longer period than is necessary to enable the bank to resell the property for such a sum as will cover the total amount due to the bank on account of loan, interest, expenses and costs :

[§ 12, 10 of 1947.]

Provided that where such property consists of the interest of a lessee under a lease from the Crown, the board may, instead of reselling such property, pay all sums of money due to the Crown by the lessee under the lease and surrender the lease to the Crown on such terms and conditions as may be agreed upon between the board, the Minister of Finance [1] and the Minister charged with the subject of Crown lands. [1]

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Meaning of property. [§ 13, 10 of 1947.]

70. In this Chapter, unless the context otherwise requires, "property", in any case where a loan is secured by a mortgage of the interest of a lessee under a lease from the Crown, means the right, title and interest of the lessee under the lease.

CHAPTER VI

Accounts And Audit

(i) accounts

Capital account and revenue account.

71. (1) The board shall keep two accounts of the funds of the bank, namely, the capital account and the revenue account. These two accounts shall be kept entirely separate and distinct.

(2) All sums received by the bank shall be deposited in such other bank or banks in Colombo as the Minister [1] shall approve, sums on capital account being deposited in a bank account separate and distinct from a bank account in which sums are deposited on revenue account.

(3) Except as hereinafter provided, no sum shall be transferred from or to revenue account to or from capital account and neither the bank account of sums in the capital account nor the bank account of sums in the revenue account shall be overdrawn.

Payments into and out of capital account.

72. Into the capital account shall be paid—

(*a*) the proceeds of the sale of all debentures ;

(*b*) all recoveries of the capital of loans ; and

(*c*) moneys credited to reserve fund as hereinafter provided ;

and from the capital account shall be paid—

(*a*) all moneys paid in the redemption of debentures ;

(*b*) all moneys loaned on mortgages ; and

(*c*) moneys specially authorized to be transferred therefrom under this Ordinance.

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Limit to which capital account may be over-drawn.

73. The capital account shall not be overdrawn to the extent of a greater sum than is authorized by the Minister with the concurrence of the Minister of Finance [1] and the repayment of which is guaranteed by the Ceylon Government under the signature of the Minister of Finance. [1]

Payments into and out of revenue account.

74. Into the revenue account shall be paid—

(*a*) all moneys received on account of interest on loans ;

(*b*) all moneys received on account of fees, fines, and penalties, or which may otherwise become due to the bank but are not included within the purview of section 72 ;

and out of the revenue account shall be paid—

(*a*) all moneys expended in the issue and sale of debentures ;

(*b*) all interest due on debentures ;

(*c*) all moneys paid on account of the working expenses of the bank ; and

(*d*) all moneys paid on any account other than such as are contained within the purview of section 72.

Limit to which revenue account may be over-drawn.

75. The revenue account shall not be overdrawn to the extent of a greater sum than is authorized by the Minister with the concurrence of the Minister of Finance [1] and the repayment of which is guaranteed by the Ceylon Government under the signature of the Minister of Finance. [1]

Transfers to reserve fund.

76. Each half-year the board shall decide what sum shall be carried forward in the revenue account as a provision against any possible shortfall in receipts in that account during the ensuing period of six months. Any balance to the credit of the revenue account over and above such sum shall be credited in the books of the bank to the reserve fund and shall be transferred to the capital account.

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Transfers from capital to revenue account.

77. Should the balance at any time available in the revenue account, including the undrawn portion of such overdraft as may have been authorized under section 75, be insufficient to meet any payments which must be made the board may transfer funds from the capital account to the revenue account provided such funds transferred shall never exceed the balance to the credit of the reserve fund in the books of the bank.

Report of shortage to the Minister.

78. Should the board at any time anticipate that the funds provided under the provisions of section 77 are likely to be insufficient to meet the liabilities and working expenses of the bank it shall immediately report such anticipated shortage to the Minister.[1]

Action by the Minister.

79. Upon such report the Minister with the concurrence of the Minister of Finance[1] may authorize a further overdraft upon the revenue account and direct the Minister of Finance[1] to sign and issue the necessary guarantee or may take such other action as to him may appear advisable.

Reserve fund how dealt with.

80. Each half-year the board shall decide what portion of the reserve fund shall be carried forward in the capital account as a provision against any possible shortfall in receipts in that account during the ensuing six months. Any balance to the credit of the reserve fund over and above such sum may be invested outside the bank in such readily realizable securities as are from time to time authorized by the Minister with the concurrence of the Minister of Finance :[1]

Provided that the board shall be free at any time to realize all or any of such securities and retransfer the proceeds to the capital account should it anticipate that such funds will be necessary to meet payments to be made from that account.

Restriction on investment of reserve fund in mortgage loans.

81. Until the total to the credit of the reserve fund equals one-tenth of the total of the outstanding debentures no portion of the reserve fund shall be invested in mortgage loans except for such short period as may be necessary to raise money upon debentures to cover such loans.

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Utilization of reserve for acquisition of land and buildings for the use of the bank.
[§ 2, 41 of 1950.]

82. (1) The board may, with the prior approval of the Minister of Finance, utilize any portion of the amount to the credit of the reserve fund for the purpose of the acquisition, purchase or erection of suitable premises in which to carry on the business of the bank :

Provided, however, that if the total for the time being to the credit of the reserve fund exceeds one-tenth of the total of the debentures outstanding, the approval of the Minister shall not be necessary to authorize the utilization for any such purpose of the excess or any part thereof.

(2) Any securities in which moneys lying to the credit of the reserve fund have been invested may be realized by the board if the board deems it expedient to do so in order to enable the board to utilize any portion of that fund for any purpose mentioned in subsection (1) of this section.

(3) Any premises acquired and purchased or erected by the board under subsection (1) of this section may subsequently be sold by the board with the prior approval of the Minister of Finance.

Report of shortage in the capital account to the Minister.

83. Should the board at any time anticipate that the balance in the capital account, including the whole of the balance to the credit of the reserve fund and the undrawn portion of such overdraft as may have been authorized under section 73 is likely to be insufficient to meet payments which will have to be made from the said account it shall immediately report such anticipated shortage to the Minister. [1]

Action by the Minister.

84. Upon such report the Minister with the concurrence of the Minister of Finance [1] may—

(*a*) authorize a further overdraft in the capital account guaranteed under the hand of the Minister of Finance, [1] or

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(b) authorize the Deputy Secretary to the Treasury [1] to lend to the bank out of the Consolidated Fund [1] any sum that may be necessary upon such terms as may be determined by the Minister of Finance [1] as to the mode and time of repayment of the sum so lent, and the interest payable thereon, or

(c) take such other action as to him may appear advisable.

Power to authorize loan to the bank.
[§ 12. 24 of 1938.]

85. (1) The Minister with the concurrence of the Minister of Finance [1] may from time to time at the request of the board authorize the Deputy Secretary to the Treasury [1] to lend to the bank, for periods not exceeding one year out of the Consolidated Fund, [1] such sums as the Minister with the concurrence of the Minister of Finance [1] may deem necessary, upon such terms as may be determined by the Minister of Finance [1] as to the mode and time of repayment of any sum so lent and of the interest payable thereon.

(2) The provisions of subsection (1) shall be in addition to and not in substitution of the provisions of section 84, and no report under section 83 shall be necessary in order to enable the Minister [1] to exercise the powers conferred by that subsection.

Keeping of books and registers and safekeeping of securities.

86. The books of the bank shall be kept, the debentures and mortgages shall be registered, and measures taken for the safekeeping of mortgages and other securities in accordance with the prescribed rules.

Half-yearly statement of accounts.

87. The board shall cause the books of the bank to be balanced on every thirty-first day of March and every thirtieth day of September, and thereafter a statement in the prescribed form of the accounts of the bank as upon that date to be prepared and audited. Such statement shall be signed by the manager, the accountant, a majority of the directors, and the auditor, and shall be sent to the Minister [1] and published in the Gazette within four months of the said date.
[§ 3, 41 of 1950.]

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(II) AUDIT

Audit of accounts.

88. The accounts of the bank shall be audited in the prescribed manner by the Auditor-General or other person specially appointed for the purpose by the Minister with the concurrence of the Minister of Finance.[1]

Auditor's rights and duties.

89. Every auditor shall be supplied with a copy of the half-yearly statement of accounts, and he shall examine it with the accounts and the documents relating thereto. He shall at all reasonable times have access to all books, registers, and documents kept by the bank. And he may in relation to such accounts examine any director or any officer of the bank.

Auditor's statement, report, and certificate.

90. The auditor shall examine the books, registers, and documents of the bank and shall forward to the board a statement of the accounts in the prescribed form, together with a report thereon and a certificate signed by him, showing—

(*a*) whether the accounts contained a full and true account of everything which ought to be contained therein ; and

(*b*) whether the books which by any rules made under this Ordinance are directed to be kept by the bank have been duly and regularly kept ; and

(*c*) whether the funds have been invested and securities have been kept in the manner prescribed by the Ordinance and any rules made thereunder ; and

(*d*) whether all loans granted by the bank have been granted in accordance with the requirements of the Ordinance and rules made thereunder ; and

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(*e*) whether the instalments on the loans have been paid when they fell due and, if not, the extent of overdue instalments ; and

(*f*) whether, in his opinion, the statement of accounts is a full and fair statement containing the prescribed particulars and is properly drawn up so as to exhibit a true and correct view of the state of the bank's affairs, and in case he has called for any explanation or information from the board, whether it has been given and whether it is satisfactory ; and

(*g*) whether the accounts are deficient, and whether the board or the officers of the bank have failed to comply with this Ordinance or the rules made thereunder.

Auditor's power to summon witnesses and call for documents.

91. (1) Every auditor shall have the powers of a civil court under the Civil Procedure Code—

(*a*) to summon any person whose presence he may think necessary to attend him from time to time ; and

(*b*) to examine any person on oath to be by him administered ; and

(*c*) to issue a commission for the examination on interrogatories or otherwise of any person ; and

(*d*) to summon any person to produce any document or thing, the production of which appears to be necessary for the purposes of such audit or examination.

(2) Any person who when summoned refuses or, without reasonable cause, neglects to attend, or to produce any document or thing, or attends and refuses to be sworn or to be examined, shall be deemed to have committed an offence within the meaning of sections 172 and 173 of the Penal Code.

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CHAPTER VII

Rules And Offences

(i) rules

Rules made by the board.

92. (1) The board may make rules not inconsistent with the provisions of this Ordinance for the following purposes :—

(*a*) prescribing the subordinate staff to be employed by the bank, their salaries, allowances, conditions of service, duties, rights, and privileges and any other matters connected therewith ;

(*b*) prescribing the fees to be paid by applicants for loans in respect of the valuation of property offered as security, the examination of their title thereto, the preparation, perfection, and registration of mortgage bonds and any other matters, in respect of which services are performed by any persons acting for or in the employ of the bank in connexion with the consideration or granting of loans to the said applicants ; [§ 14, 10 of 1947.]

(*c*) prescribing the forms upon which and the manner in which applications shall be made for loans and any other matters connected therewith ;

(*d*) prescribing the principles upon which the valuation of property offered or accepted as security is to be carried out ;

(*e*) prescribing any forms to be used for the purpose of this Ordinance ;

(*f*) for all other matters connected with the business of the bank for which the board may properly prescribe or for the information and guidance of the public dealing with the bank or of its own officers, employees, or agents.

(2) All rules made under this section shall be entered in a special book kept for the purpose in the office of the board.

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(3) Copies of all rules under paragraph (*a*) of subsection (1) and such rules under paragraph (*f*) of subsection (1) as the board shall decide shall be kept in some place on the bank premises where they may be inspected by any officer, employee, or agent of the bank whom they may concern.

(4) All rules under paragraphs (*b*), (*c*), and (*e*) of subsection (1) and such rules under paragraph (*f*) of subsection (1) as the board shall decide shall be published in the Gazette for general information.

Rules made by the board with the approval of the Minister.

93. (1) The board may, subject to the approval of the Minister given with the concurrence of the Minister of Finance,[1] make rules not inconsistent with the provisions of this Ordinance for the following purposes :—

(*a*) prescribing the powers and duties of the manager and assistant manager of the bank, their salaries and allowances and conditions of service and any other matters connected therewith ;

(*b*) prescribing scales of remuneration for the various services performed by valuators, inspectors, legal advisers, and agents employed by the bank and the scales of travelling charges which may be paid to such persons ;

(*c*) prescribing the scale of travelling allowances to be paid to the manager and assistant manager ;

(*d*) prescribing the forms of debentures and the procedure to be followed in their issue, registration, transfer, redemption, and cancellation ; providing for the issue of certificates representing given numbers of debentures, for the cancellation of such certificates and the issue of fresh certificates representing different numbers of debentures and for the replacement of debentures lost, destroyed, worn out, or

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defaced ; prescribing the fees to be charged in respect of any of the aforesaid operations and consistently with the provisions of this Ordinance for regulating in all matters not specifically dealt with in this Ordinance the manner in which debentures may be dealt with in respect of anything to be done by the bank or the purchasers, sellers, or holders of debentures ;

(*e*) prescribing the rates of penal interest, the circumstances in which the same shall be charged, and other matters connected therewith ;

(*f*) prescribing the costs that may be recovered under section 63 ;

(*g*) prescribing the books, registers, and records to be kept and the manner and form in which they are to be kept ;

(*h*) prescribing the form of declaration to be made under section 34 ;

(*i*) for establishing branch boards and defining their powers and the areas in respect of which they may act ;

(*j*) for establishing agencies and providing for their management ;

(*k*) prescribing the manner in which the accounts are to be audited ;

(*l*) prescribing the remuneration payable to agents of the bank ;

(*m*) for providing for every other matter not herein specially provided for but necessary for the conduct of the business of the bank, the regulation of its funds and generally for fully and efficiently carrying out and giving effect to its objects and purposes and guarding against violation of this Ordinance.

(2) All rules made under this section shall be entered in a special book kept for the purpose in the office of the board.

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(3) Copies of all rules made under paragraphs (*a*), (*b*), (*c*), (*g*), (*j*), (*l*) of subsection (1), and such rules under paragraph (*m*) of subsection (1), as the board with the approval of the Minister[1] shall decide, shall be kept in some place on the bank premises where they may be inspected by any officer, employee, or agent of the bank whom they may concern.

(4) All rules made under paragraphs (*d*), (*e*), (*f*), (*h*), (*i*), (*k*) of subsection (1) and such rules under paragraph (*m*) of subsection (1), as the board with the approval of the Minister[1] shall decide, shall be published in the Gazette.

Rules made by the Minister.

94. (1) The Minister with the concurrence of the Minister of Finance[1] may, after consulting the board, make rules not inconsistent with the provisions of this Ordinance for the following purposes :—

(*a*) prescribing the fees payable to auditors and the fees and travelling allowances payable to the directors and members of branch boards ;

(*b*) for regulating the meetings, proceedings, and business, of the board ;

[§ 2, 11 of 1944.]

[§ 2, 50 of 1949.]

(*c*) for regulating the institution and management of pensions and provident funds for, and the payment of gratuities to, the officers and servants of the bank, and for the payment of gratuities to the nominees and heirs of such officers and servants who die while in the service of the bank ;

(*d*) prescribing—

(i) the sum which the amount on loan to any person at any time may not exceed,

(ii) the minimum rate of the interest to be charged on loans and the additional purposes for which loans may be made under section 51 ;

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(*e*) prescribing the terms and conditions on which loans may be made to societies registered under the Co-operative Societies Ordinance ;

(*f*) prescribing the terms and conditions on which loans may be made on the security of the interest of a lessee under a lease from the Crown and prescribing special rates of interest to be charged on such loans. [§ 15, 10 of 1947.]

(2) The power to make rules under paragraph (*c*) of subsection (1) shall be deemed to include power to make a rule for the payment of a gratuity to any officer or servant of the bank who has retired from the service of the bank before the date on which such rule is made. [§ 2, 11 of 1944.]

(3) All rules made under this section shall be entered in a special book kept for the purpose in the office of the board.

(4) Copies of all rules made under this section shall be kept in some place on the bank premises where they may be inspected by any officer, employee, or agent of the bank whom they may concern.

(5) All rules made under this section shall be laid, as soon as conveniently may be, on the table of the Senate and the House of Representatives[1] at two successive meetings of the Senate and the House of Representatives,[1] and shall be brought before the Senate and the House of Representatives[1] at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved ; and if upon the introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by the Senate or the House of Representatives,[1] such rules shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything already done thereunder ; and such rules if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette.

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(II) OFFENCES

Liability as public servants of directors, members of branch boards, and employees.

95. Every director, every member of a branch board, and all officers and servants of the bank, including agents, valuators, and inspectors shall, when acting in any such capacity, be deemed to be public servants within the meaning of the Penal Code.

Forgery of debentures and interest coupons.

96. Sections 21, 22, and 23 of the Ceylon Paper Currency Ordinance, 1884, * shall apply to debentures as if there were substituted in this section—

(*a*) the word "debenture" for the words "currency note" or "note"; and

(*b*) the word "directors" for the word "Commissioners".

False evidence.

97. (1) Whoever, during any examination authorized by this Ordinance, makes upon oath a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding and shall be punished therefor in accordance with the Penal Code.

(2) Whoever makes a declaration required by this Ordinance or rules thereunder knowing it to be untrue in any particular shall be guilty of giving false evidence and shall be punished therefor in accordance with the Penal Code.

Liability of directors, members of branch boards, and valuators for participating in the sanctioning of certain loans.
[§ 9, 10 of 1947.]

98. (1) A director or a member of a branch board who participates in the discussion on, or who votes upon, any resolution for the granting of a loan—

(*a*) to a person who is a debtor or creditor of his or is in partnership with him or is in his employ; or

(*b*) on the security of any property in which he has a pecuniary interest,

* The Ceylon Paper Currency Ordinance, 1884, is repealed by the Currency Ordinance, No. 21 of 1941, which in turn is repealed by the Monetary Law Act, No. 58 of 1949.

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shall be liable on conviction to a fine not exceeding five thousand rupees or, in default of payment, to imprisonment of either description for a period not exceeding three months.

(2) A person who acts as valuator in respect of the application for a loan—

(*a*) by a person to whom he stands in any of the relationships set out in subsection (1) ; or

(*b*) on security in which he has a pecuniary interest,

shall be liable to a fine of five hundred rupees.

CHAPTER VIII

Government Control And Miscellaneous

Investigation by Minister.

99. Once in every period of five years, and oftener if he thinks it necessary, the Minister [1] shall appoint some person, other than the auditor appointed under section 88, to investigate and report on the policy, general management and affairs of the bank, and in respect of such investigation any person so appointed shall for compelling the attendance of witnesses, the production of documents and the administering of oaths to persons he examines be entitled to exercise the powers conferred on a commission appointed under the Commissions of Inquiry Act.

Minister's powers in case of mismanagement.

100. (1) If at any time it appears to the Minister [1]—

(*a*) that the board has failed to comply with any duty imposed on it either by this Ordinance or rules thereunder ; or

(*b*) that the board is conducting the business of the bank in a manner that is likely to endanger the solvency, safety, or credit of the bank,

the Minister [1] may take any of the following steps :—

(i) by an order addressed to the board issue directions for the proper management of the bank and require compliance therewith within a time to be specified in the order ;

(ii) appoint new directors to carry on the business of the bank ;

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(iii) direct the manager or any other person whom he may appoint to carry on the business of the bank ;

(iv) appoint an officer or officers to inquire and report upon the constitution, working, and financial condition of the bank ;

(v) make an order for the winding up of the bank ; or

(vi) take any other steps which to him may appear necessary.

(2) An officer or officers appointed under section 99 shall for the purpose of the inquiry have the same powers to require attendance of persons and the production of accounts and other documents as a District Judge has in relation to matters within his jurisdiction.

Cost of proceedings.

101. The remuneration to be paid to any person appointed under this Chapter and the cost of carrying out the order shall be defrayed out of the funds of the bank.

MISCELLANEOUS

Custody and affixing of common seal.

102. The common seal of the bank shall be in the custody of the manager, and shall not be affixed to any instrument, except in the presence of the manager (or in his absence, of the assistant manager) and two directors, who shall sign their names to such instrument in token of their presence.

Penal interest in case of default.

103. Any mortgage bond to secure a loan by the bank may provide that if the borrower fails or neglects to pay on the due date the instalment and interest or to make the equated payment, as the case may be, then due in respect of the loan, then interest shall be payable on the loan in respect of the half-year for which default has been made at such rate in excess of that at which the loan has been granted as may be prescribed by the rules under section 93 (1) (*e*).

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Power to inspect valuation rolls of local rating authorities.

104. The board shall have access without fee or charge to the valuation roll of any local rating authority, and the officers of every such authority shall upon application supply to the board full particulars as to any valuation of rateable property in respect of which such local authority has power to levy rates.

Registered address and notices. [§ 10, 24 of 1939.]

105. (1) Every debenture holder and every person—

(*a*) to whom a loan is granted by the bank; or

(*b*) who has obtained probate of the will, or letters of administration to the estate of a person to whom a loan has been granted by the bank, or who has, under the provisions of paragraph (*b*) of section 62 (2), been appointed to represent the estate of a deceased borrower; or

(*c*) to whom any right, title or interest whatsoever in any property, or in any part of any property, mortgaged to the bank as security for any loan, has passed, whether by voluntary conveyance or by operation of law,

shall register with the bank an address to which all notices to him may be addressed.

(2) In any case where any debenture holder or other person fails to register his address under subsection (1), the bank shall be absolved from all responsibility in respect of the service of any notice required under this Ordinance to be served upon such debenture holder or person :

Provided, however, that in the case of any such failure on the part of any person who is a debenture holder or a person to whom a loan has been granted by the bank, the bank shall publish a notice addressed to him in the Gazette and in a daily newspaper, and such notice shall be deemed to be duly given to that debenture holder or person on the day on which such notice is published.

(3) A notice shall be deemed to have been duly served on any person for the purposes of this Ordinance if the notice is sent by post in a registered letter to the

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address registered by that person under this section, and the service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Loans to co-operative societies.

106. In accordance with such terms and conditions as the Minister may in consultation with the board from time to time prescribe, the bank may notwithstanding anything to the contrary in this Ordinance make loans to any society registered under the Co-operative Societies Ordinance, whose object is the granting of long-term loans for purposes substantially the same as those specified in section 51.

CHAPTER IX

Temporary Provisions

Date of establishment of bank.

107. The bank shall be deemed to be established as from the 6th day of December, 1931.

Directors first appointed.

108. (1) The five directors first appointed shall retire one annually in any order that they may agree to or in the order that they may determine by drawing lots.

(2) The vacancy caused by each successive retirement shall be filled by a new appointment by the Governor, the retiring director remaining eligible for reappointment, unless otherwise disqualified.

(3) The date for retirement shall be the thirty-first day of December in every year, provided that the first retirement shall not occur earlier than one year after appointment.

SCHEDULE A

FORM OF MORTGAGE BOND

[Section 52 (1) (*d*).]

To all to whom these presents shall come ———— of ———— (hereinafter called "the mortgagor", which expression shall, where the context so requires or admits, mean and include the said ————, his heirs, executors, and administrators),

Sends Greeting :

1. (*a*) Whereas the mortgagor is the lawful owner free from encumbrances of the land called ————, more fully described in the schedule hereto :

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(*b*) And whereas the said mortgagor has applied to "The Ceylon State Mortgage Bank" (hereinafter called "the Bank", which expression shall, where the context so requires, mean and include the persons deriving title from the Bank) for a loan under the Ceylon State Mortgage Bank Ordinance, to be applied in or towards the following purposes, that is to say, (*a*) ——— (*b*) ——— and (*c*) ———:

(*c*) And whereas the Bank has agreed to grant such loan to the mortgagor on having the repayment thereof with interest secured in the manner hereinafter appearing:

2. Now this bond witnesseth as follows:—

(*a*) In pursuance of the said agreement and in consideration of the sum of ——— rupees now paid by the Bank to the mortgagor (the receipt of which sum the mortgagor hereby acknowledges) the mortgagor is held and firmly bound to the Bank in the said sum of ——— rupees lawful money of Ceylon and interest thereon at the rate of ——— rupees *per centum* per annum to be paid to the Bank, for which payment to be well and truly made the mortgagor is firmly bound by these presents.

(*b*) And for further securing to the Bank the payment of all the money payable by virtue of or in respect of these presents the mortgagor does hereby specially mortgage to the Bank as a first or primary mortgage free from all encumbrances the land called ——— and in the first schedule hereto fully described with all rights, privileges, easements, servitudes, and appurtenances whatsoever thereto belonging, or in anywise appertaining or used or enjoyed therewith, or reputed or known as part and parcel thereof, and all the estate, right, title, interest, property, claim, and demand whatsoever of the mortgagor in, to, out of, or upon, the said land.

(*c*) And for better securing the said mortgage the mortgagor does herewith deposit in the hands of the said Bank the title deeds of the said property.

3. The mortgagor hereby covenants with the Bank as follows:—

(*a*) That the land mortgaged by these presents is in nowise encumbered either by a prior charge, fiscal's seizure, or claim and that the mortgagor has full power and legal right to mortgage the same and will warrant and defend title to the said land against all other claimants whatsoever.

(*b*) (i) That the mortgagor will pay the said principal sum of rupees ——— in half-yearly instalments of not less than ——— rupees ——— on the ——— day of ——— and the ——— day of ——— in each and every year, the first of such payments to be made on the ——— day of ——— and shall on the same dates pay all interest due on the said sum of rupees ——— or the balance thereof then outstanding at the rate of ——— *per centum* per annum or ——— in each and every year, the first of such payments to be made ——— rupees and interest in the instalments and on the dates set out in the second schedule hereto. (*Retain only the appropriate alternative.*)

(*c*) That during the continuance of this security the mortgagor will pay and discharge and indemnify the Bank against all rates, taxes, duties, charges, assessments, impositions, and outgoings whatsoever which shall be assessed, charged, or imposed upon, or payable in respect of, the

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mortgaged premises or any part thereof by the mortgagor or the Bank or a receiver in respect thereof and that if the mortgagor shall at any time refuse or neglect to make such payments or to deliver the receipt therefor to the Bank on demand the Bank may pay the same, and all moneys expended by the Bank under this provision shall be deemed to be properly paid by the Bank.

(*d*) That the mortgagor will from time to time so long as money remains owing on this security well and substantially repair and keep in good and substantial repair and condition all buildings and other improvements erected and made upon the said land, and the Bank may at all times be at liberty by itself, its agents or servants, to enter upon the said land to view and inspect the said buildings and improvements.

(*e*) That if the mortgagor fail or neglect to repair the said buildings and improvements or to keep them in good and substantial repair and condition as aforesaid, then and in any such case and as often as the same shall happen it shall be lawful for, but not obligatory upon, the Bank, at the cost and expense in all things of the mortgagor, to repair the said buildings and improvements and keep them in good and substantial repair and condition.

(*f*) Insurance shall be effected as may be prescribed by regulations of instruction of the Bank. Every policy of insurance so effected or renewal thereof shall be in the name of the Bank.

(*g*) That all moneys expended by the Bank in and about repairing or keeping in repair any of the said buildings and improvements as aforesaid, or in the insurance thereof, or in attempting to exercise or enforce any power, right, or remedy herein contained or implied, in favour of the Bank, shall be payable to the Bank by the mortgagor on demand, and until paid shall be charged on the said land together with interest at the rate of not more than the rate prescribed for the time being under the said Ordinance, or any amendment thereof, computed from the date or dates of such moneys being expended.

(*h*) That the mortgagor will at all times cultivate and manage the lands hypothecated in a skilful and proper manner and according to the rules of good husbandry. Failure in the performance of this condition shall entail the immediate recovery of the advance should the Bank so desire.

(*i*) That the power of sale and incidental powers in that behalf conferred upon the Bank under the said Ceylon State Mortgage Bank Ordinance, or any amendment thereof, shall be implied herein and that they may be exercised if and whenever the mortgagor makes default in the full and punctual payment of any instalment of interest or principal in accordance with the respective covenants for payment thereof herein contained, or if and whenever the mortgagor makes default in the faithful observance and performance of any other covenant or conditions on his part herein contained or implied : Provided however, and it is hereby expressly agreed, that the Bank may, in exercising the said power of sale and incidental powers as aforesaid (and by special resolution of its Board of Directors to that effect published in the Gazette) sell any land mortgaged to it as security either in its entirety or in two or more separate blocks or in both such ways, at any public sale or sales held under the said Ordinance.

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(*j*) That if and whenever the mortgagor makes any such default as in the last preceding covenant mentioned, it shall be lawful for the Bank to call up and compel payment of all principal, interest, and other moneys for the time being owing under this security, notwithstanding that the time or times by these presents appointed for the payment thereof respectively may not have arrived.

4. Provided always that upon any sale under the statutory power a purchaser shall not either before or after conveyance be concerned to see or inquire whether any default has been made in payment of any such instalment or be affected by any notice that no such default has occurred or that the sale is otherwise unnecessary or improper.

5. Provided that this bond is subject to the provisions of the Ceylon State Mortgage Bank Ordinance, or any law amending or replacing the same and all regulations made thereunder so far as they are capable of applying it to the exclusion of the common law governing mortgages.

Witnesses :————.

————

(*Notary's attestation*).

———

The First Schedule above referred to :
(*Particulars of the land mortgaged.*)

———

The Second Schedule

(*Table showing details of the number and amount of instalments to be paid.*)

————

SCHEDULE B

[Section 65 (2).]

FORM OF CERTIFICATE OF SALE—SECTION 65 (2)

Whereas the sum of ———— rupees is due to the Ceylon State Mortgage Bank from ———— and the land called ————, hereinafter more fully described, has been mortgaged by the said ———— on bond No. —— as security for its payment in the manner provided by the said bond :

And whereas a sum due in respect of the said bond has not been paid by the said ———— :

And whereas the said land was sold in conformity with the Ceylon State Mortgage Bank Ordinance, on the ———— day of ———— and the same was purchased by ———— of ———— for the sum of ———— rupees, which has been duly paid by the said ———— :

Now know Ye that We, ————, (the Directors of the Ceylon State Mortgage Bank), by virtue and in the exercise of the power in us vested in this behalf and rules thereunder, do hereby certify that the following property, to wit, (*here describe the property with special accuracy by metes and bounds*), has been sold to ———— and purchased by the said ———— for the sum of ———— rupees, which he has duly paid, and that the said premises are, and shall henceforth be vested in the said ————, his heirs, executors, administrators, and assigns.

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Given under the Seal of the Bank at Colombo on this ——— day of ——— in the presence of us, ———, Directors, and ———, Manager.

Directors : { 1. ———. 2. ———.

Manager : ———.

[Section 65 (2).]

SCHEDULE C

FORM OF CERTIFICATE OF SALE—SECTION 65 (2)

Whereas the sum of ——— rupees is due to the Ceylon State Mortgage Bank from ——— and the land called ———, hereinafter more fully described, has been mortgaged by the said ——— on bond No. —— as security for its payment in the manner provided by the said bond :

And whereas a sum due in respect of the said bond has not been paid by the said ——— :

And whereas the said land was sold in conformity with the Ceylon State Mortgage Bank Ordinance, on the ——— day of ———, and the same was purchased for and on behalf of the Ceylon State Mortgage Bank by ——— for the sum of ——— rupees, which has been duly credited to the said Bank in part (*or* full, *as the case may be*) satisfaction of the sum due as aforesaid :

Now know Ye that We, the Directors of the said Bank, by virtue and in exercise of the power in us vested in this behalf by the said Ordinance and rules thereunder, do hereby certify that the following property, to wit, (*here describe the property with special accuracy by metes and bounds*) has been sold and purchased by the said ——— for and on behalf of the said Bank for the sum of ——— rupees, and that the said premises are and shall henceforward be absolutely vested in the said Bank.

Given under the Seal of the Bank at Colombo on this ——— day of ——— in the presence of us, ———, Directors, and ———, Manager.

Directors : { 1. ———. 2. ———.

Manager : ———.

[§ 13, 24 of 1938.]

[Section 37.]

SCHEDULE D

FORM OF CERTIFICATE

I certify that this debenture is issued in conformity with the provisions of the Ceylon State Mortgage Bank Ordinance, and that the payment of the principal of this debenture and of the interest thereon is guaranteed by the Government of Ceylon and is a charge upon the Consolidated Fund of Ceylon.

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CHAPTER 399

CEYLON SAVINGS BANK

AN ORDINANCE TO PROVIDE FOR THE BETTER REGULATION OF THE CEYLON SAVINGS BANK.

Ordinances Nos. 12 of 1859, 12 of 1892, 7 of 1895, 19 of 1909, 24 of 1920, 17 of 1923, 5 of 1927, 14 of 1928, 17 of 1930, 26 of 1933, 3 of 1944,

Act No. 6 of 1955.

[*1st January, 1860.*]

Short title.

1. This Ordinance may be cited as the Ceylon Savings Bank Ordinance

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

[§ 2, 3 of 1944.]

"approved society" means any thrift, benefit, benevolent, provident or charitable society, association or institution which is approved by the board of directors under section 16 ;

"the bank" shall mean the Ceylon Savings Bank.

Management.

3. The bank shall be under the management of a board of three directors, who shall not directly or indirectly receive any salary, allowance, profit, or benefit whatsoever therefrom:

Provided, however, that nothing in this section shall prevent any member of the board (or any officer of the bank) from becoming depositors therein on the same terms as others.

Incorporation of the board of directors.

[§ 2, 6 of 1955.]

4. The board of directors shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its name and style and shall be capable of acquiring, holding and alienating property, whether movable or immovable.

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Nomination of directors and appointment of president.

5. The Minister of Finance[1] shall from time to time nominate the three members of the board of directors and also appoint one of them president of the board.

Meetings. Quorum.

6. The president shall appoint the times for the meetings of the board of directors for the transaction of business. At such meetings two directors shall be sufficient to form a quorum.

Financial year of the bank and estimates of income and expenditure.
[§ 3, 6 of 1955.]

7. (1) The financial year of the bank shall be the calendar year.

(2) The manager shall on a date to be determined by the board of directors in each year, submit to the board an estimate of the available income of the bank and details of the proposed expenditure for the ensuing financial year.

Board of directors.
[§ 4, 6 of 1955.]

8. The board of directors may, with the approval of the Minister,[1] pay out of the funds of the bank such sums of money as to them shall seem fit, for the purposes of the business and of the carrying on of the bank, including the payment of salaries, pensions, fees, or other allowances to the officers and servants of the bank.

[§ 4, 6 of 1955.]

General meeting.

9. A general meeting of the depositors of the said bank shall be held once a year, on or before the thirtieth day of June, at which meeting the board of directors shall submit a statement of the affairs of the said bank for the preceding year.

Special meetings.

10. The board of directors may call special general meetings when they think proper ; and, on the requisition of any two directors delivered in writing to the manager, it shall be obligatory on him to call a special general meeting within fifteen days from the date of the delivery of such requisition.

Notice of general meetings.

11. Seven days' notice of every general meeting shall be published in all the local newspapers.

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Board of directors to make rules and regulations.

12. The board of directors may from time to time make rules and regulations touching the business of the said bank, which said rules and regulations shall not come into operation until they shall have been approved of by the Minister.[1]

[§ 5, 6 of 1955.]

Every rule or regulation made by the board of directors, and approved by the Minister, under this section, shall be published in the Gazette, and in English, Sinhalese and Tamil in one or more newspapers published in Ceylon.

Regulations when valid to be kept in a book.

13. Such rules and regulations shall be entered in a book to be kept at the office of the said bank, which book shall be open at all reasonable hours to the inspection of the depositors.

Regulations on whom binding.

14. The said rules and regulations so made as aforesaid shall be binding on the board of directors and officers of, and all depositors in, and all borrowers and other persons having dealings with, the bank, and their respective heirs, executors, administrators, assigns, and agents, without further notice thereof.

Printed copies of regulations to be furnished.

15. The board of directors, and all officers, depositors, borrowers, and other persons having dealings with the bank, and their respective heirs, executors, administrators, assigns, and agents, shall, on demand, be entitled to be furnished by the manager of the said bank with one printed copy of the said rules and regulations, as often as the same are altered and amended, free of expense, and any additional copies on a reasonable payment for the same.

Depositors.

[§ 3, 3 of 1944.]

[§ 6, 6 of 1955.]

16. (1) Without the prior approval of the board of directors, no person and no thrift, benefit, benevolent, provident or charitable society, association or institution shall be permitted to become a depositor in the bank; and the board may, in its discretion, refuse to grant such approval in the case of any person or any such society, association or institution.

[§ 6, 6 of 1955.]

(2) The bank may, upon the instructions of the board of directors, at any time refuse to receive a deposit from any person or any approved society, and

[§ 6, 6 of 1955.]

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may give thirty days' notice in writing to such person, or to the treasurer, trustees, or officers of any such society, to withdraw from the bank all or any part of the money standing to the credit of such person or society, and from and after the expiration of such thirty days no further interest shall be payable on the sum of money to which such notice relates.

Moneys in name of married woman.

17. Any deposit made in the name of a married woman, or in the name of a woman who shall marry after such deposit, shall be deemed to be the separate property of such woman, and shall be accounted for and paid to her as if she were an unmarried woman:

Provided that nothing herein contained shall, as against the creditors of a husband, give protection to any deposit made by him in fraud of such creditors, and that any moneys so deposited may be followed as if this section had not been passed.

Limit of deposits.
[§ 4, 3 of 1944.]

18. (1) The minimum amount which may be deposited in the bank at any one time by any depositor, the maximum amount which may be so deposited by any depositor in any one year, and the maximum amount which any depositor shall be allowed to have in the bank at any one time, shall be such as may, from time to time, be prescribed by regulations made under section 12.

(2) The power to make regulations in respect of the matters specified in subsection (1) shall be deemed to include power to make regulations prescribing different limits for different classes of depositors.

Interest on deposits.
[§ 5, 3 of 1944.]

19. No interest shall be paid or allowed by the bank on any deposits standing to the credit of any depositor, which are in excess of the sum prescribed by regulations made under section 12 as the maximum sum which may be held by such depositor at any one time.

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20. The receipt of any treasurer, trustees, or officers for the time being of any approved society, for money withdrawn by or paid to such society, shall be a sufficient discharge to the said bank in that behalf.

Discharge for payments made to approved societies. [§ 6, 3 of 1944.]

21. The said bank may receive deposits from or for the benefit of minors, subject to the same regulations as to deposits made by others, and it shall be lawful for the bank to pay to such minors the interest which may become due on such deposits. Any deposit made by or on behalf of any minor may be paid to him personally, or to his guardian for his use, if the deposit was made by any person other than the minor, together with the interest accrued thereon. The receipt of any minor or guardian for money paid to him under this section shall be a sufficient discharge therefor.

Deposits by or on behalf of minors.

22. In case any dispute shall arise between the board of directors of the said bank, or any person or persons acting under them, and any individual depositor therein, or any trustee of a depositor, or any person claiming to be heir, executor, administrator, assign, or agent of such depositor, then and in every such case the matter so in dispute shall be referred to two arbitrators, one to be appointed by each party, which arbitrators shall in the first instance conjointly appoint an umpire, and the judgment of such arbitrators or umpire shall be conclusive :

Arbitration.

Provided that neither party shall be entitled to institute any suit in reference to such dispute as aforesaid until after the same has been referred to arbitration in manner aforesaid, and then only in case of the arbitrators or umpire failing to make an award within the time specified in the order of reference, or, if no time is specified therein, within a reasonable time.

23. (1) The board of directors may in their discretion determine the maximum amount which may out of the moneys in the bank be retained in the custody of the manager for the general purposes and expenses of the bank, and such amount may be deposited in current account in the name of the manager in any such bank or banks as may be approved by the board of directors in that behalf.

Investment and deposit of moneys in the bank. [§ 7, 6 of 1955.]

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(2) The balance of the moneys in the bank remaining after the deduction of such amount as may be determined by the board of directors under subsection (1) may from time to time be invested in the name of the board of directors in any of the following securities :—

(*a*) on a first mortgage of immovable property situated within any such area in Ceylon as may be approved by the board of directors, and having such title as is in the opinion of the board satisfactory ;

(*b*) in any stock, treasury bills or debentures of the Government of Ceylon ;

(*c*) in any security issued by the Government of any country other than Ceylon forming part of the British Commonwealth ;

(*d*) in any other stock or securities as may be approved by the Minister.

(3) Every investment of moneys outside Ceylon under subsection (2) shall be made in accordance with such general instructions as may be issued in that behalf by the board of directors with the approval of the Minister.

(4) The board of directors may at any time vary any investment held by the board under this section, and realize and reinvest any moneys so invested :

Provided that in the case of any investment held by the board outside Ceylon such investment may be varied, realized or reinvested in accordance with such general instructions as may be issued by the board with the approval of the Minister.

(5) The provisions of subsections (2) and (3) shall apply in the case of every variation of an investment and every reinvestment made under this section.

(6) Any moneys referred to in subsection (2) may be invested in the name of the board of directors in any bank or banks as may be approved by the board.

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Instruments.

24. All mortgages, hypothecations, bonds, receipts, instruments, and securities for moneys invested or deposited as aforesaid shall be granted in favour of the board of directors.

[§ 8, 6 of 1955.]

Procedure on default of payment of any loan granted on the mortgage of land.

[§ 9, 6 of 1955.]

25. (1) Whenever default is made in the payment of any sum due on any loan granted by the board of directors on the mortgage of land, whether that sum is due on account of principal or interest or of both, default shall be deemed to have been made in respect of the whole of the unpaid portion of that loan, and the interest due thereon up to date ; and the board may, by special resolution, authorize any person to sell the land mortgaged to the board as security by public auction on such date and at such time and place as the board may direct.

(2) Save as otherwise provided in subsection (3), the provisions of subsection (1) shall apply in the case of any default notwithstanding that the borrower may have died or that any right, title or interest whatsoever in the land mortgaged as security for the loan may have passed by voluntary conveyance or by operation of law to any other person.

(3) Where the borrower is dead and the probate of his will or letters of administration to his estate have not been issued, the District Court of Colombo or the District Court of the district in which the property mortgaged to the board of directors by that borrower is situate, may, upon application made in that behalf by the board and after service of notice of the application on such persons, if any, as the court may order, and if satisfied that the grant of probate or the issue of letters of administration is likely to be unduly delayed, appoint a person to represent the estate of the borrower for the purpose of this subsection ; and the provisions of subsection (1) shall not apply in the case of any default made by such borrower unless and until a representative of his estate is appointed under this subsection.

(4) Notice of every resolution under subsection (1) authorizing the sale of any land shall be published in the Gazette and copies of such notice shall be served

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on the borrower, if he is alive, and on every person who has, in respect of that land, notified his address under subsection (5).

(5) Every person—

(*a*) to whom a loan is granted by the board of directors ; or

(*b*) who has obtained probate of the will or letters of administration to the estate of a person to whom a loan has been granted by the board or who has under the provisions of subsection (3), been appointed to represent the estate of a deceased borrower ; or

(*c*) to whom any right, title or interest whatsoever in any land mortgaged to the board as security on any such loan has passed, whether by voluntary conveyance or by operation of law,

shall notify in writing to the board an address to which all notices to him may be addressed.

(6) If the amount of the whole of the unpaid portion of the loan, together with all interest thereon according to the terms of the mortgage and of the moneys and the costs, if any, recoverable by the board of directors under subsection (7), is tendered to the board at any time before the date fixed for the sale, the land shall not be sold and no further steps shall be taken in pursuance of the resolution under subsection (1) for the sale of that land.

(7) In addition to the amount due on any loan, the board of directors may recover from the borrower or any person acting on his behalf—

(*a*) all moneys expended by the board in accordance with the covenants contained in the mortgage bond executed by the person to whom the loan was granted, in the payment of premiums and other charges in respect of any policy of insurance effected on the land

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mortgaged to the board, and in the payment of all other costs and charges authorized to be incurred by the board under the covenants contained in such mortgage bond ; and

(*b*) the costs of advertising the sale and of selling the land.

(8) The board of directors may fix an upset price below which the land shall not be sold to any person other than the board.

(9) Nothing in this section shall be deemed to preclude the board of directors from recovering the amount due on any mortgage bond in accordance with the provisions of any other written law.

Cancellation of sale and resale by board of directors. [§ 9, 6 of 1955.]

26. (1) Where any land sold under the provisions of section 25 has been purchased on behalf of the board of directors, the board may, at any time before it resells that land, cancel the sale by an endorsement to that effect on a certified copy of the certificate of sale, upon the debtor or any person on his behalf paying the amount due in respect of the loan for which the land was sold (including the costs of sale) and interest on the aggregate amount at a rate not exceeding five *per centum* per annum. The endorsement shall, upon registration in the office of the Registrar of Lands, revest the land in the debtor as though the sale under this Ordinance had never been made.

(2) If the land so sold has been purchased on behalf of the board of directors and the sale is not cancelled under subsection (1), the board may, at any time, resell the land and transfer to the purchaser by endorsement on a certified copy of the certificate of sale all the right, title and interest which would have been acquired by the purchaser at the original sale. The endorsement shall be liable to the same stamp duty and charges as a certificate to a purchaser at the original sale and shall, when it is registered in the office of the Registrar of Lands, vest such right, title and interest as aforesaid in the purchaser.

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Bank officers to give security and to contribute to Widows' and Orphans' Pension Fund.

27. The manager, the accountant, and other officers of the bank receiving salaries from the funds of the bank are hereby declared to be public officers in the employment of the Government of Ceylon, and may be required to give security for the due performance of the duties of their respective offices under the provisions of the Public Officers (Security) Ordinance. And all such officers in the receipt of salaries of not less than two hundred and fifty rupees per annum shall be liable to contribute to the Widows' and Orphans' Pension Fund under the provisions of the Widows' and Orphans' Pension Fund Ordinance.

Letters of administration when to be dispensed with.
[§ 10, 6 of 1955.]

28. In case of the death of any depositor whose deposits, including interest thereon, shall not amount to rupees two thousand five hundred, and where the board of directors or the manager authorized in that behalf by the board shall be satisfied by affidavit that the depositor died intestate, and that no letters of administration are required by law to be taken out, [§ 10, 6 of 1955.] the board of directors or the manager authorized in that behalf by the board shall be at liberty to pay the amount of such deposits to any person or persons [§ 10, 6 of 1955.] appearing to the board or the manager, as the case may be, to be entitled thereto as heir or heirs-at-law of the deceased depositor ; and such payment shall be a full discharge from all further liability in respect of the money so paid.

Cases where moneys of depositors will be credited to reserve fund of the bank.
[§ 11, 6 of 1955.]

29. (1) In any case where—

(*a*) for a period of ten years a depositor does not make any deposit or withdraw any amount out of the sum standing to his credit, and the sum of money standing to the credit of that depositor at the end of such period does not exceed five rupees, or

(*b*) upon the death of any depositor, there is a sum of money lying to his credit in the bank and no claim has been made to that sum for a period of ten years by any person entitled thereto,

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then that sum of money shall be credited to the reserve fund of the bank.

(2) Where a claim is made by any person to any sum of money which has been credited to the reserve fund of the bank under the provisions of subsection (1), the board of directors may, if it is satisfied that such person is entitled to that sum of money, pay that sum of money to such person.

Nomination by depositors.
[§ 11, 6 of 1955.]

30. (1) It shall be lawful for any depositor other than an approved society to nominate the person or persons to whom the moneys lying to the credit of that depositor are to be paid on the death of that depositor.

(2) No payment shall be made by the board of directors to any person nominated by a depositor unless such person—

(*a*) submits an affidavit stating that he is the person who was nominated by the depositor, and

(*b*) produces a certificate as to his identity from such other person as the board may determine.

(3) A payment made in accordance with the provisions of subsection (2) to any person nominated by a depositor shall be and shall operate for all purposes as a complete discharge of the obligations of the board of directors in respect of the moneys so paid.

Accounts of the board of directors.
[§ 11, 6 of 1955.]

31. The accounts of the board of directors shall be audited each year by the Auditor-General.

Report of acts of board and officers to be tabled at annual meeting of depositors.
[§ 11, 6 of 1955.]

32. The board of directors shall cause a report containing particulars of all acts done each year in relation to the bank by the board and other officers of the bank in compliance with the general or special instructions of the Minister to be tabled at the next annual meeting of the depositors.

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Effects of bank in whom vested.

33. All moneys, goods, chattels, and effects whatsoever, and all securities for money or other obligatory instruments and evidences or muniments of title, and all other effects whatsoever, and all rights or claims, belonging to or held by the said bank, shall vest in the Government of Ceylon for the use and benefit of the said bank and the respective depositors therein, their heirs, executors, administrators, or assigns respectively, according to their respective claims and interest, and also shall, for all purposes of action or suit, as well criminal as civil, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be the property of "the Crown" without further description.

Exemption from stamp duty.

34. No power, warrant, or letter of attorney granted or to be granted by the board of directors, nor any power, warrant, or letter of attorney given by any depositor in the said bank to any other person, authorizing him to make any deposit of any sum of money in the said bank on behalf of the said depositor, or to sign any document or instrument required by the rules or regulations of the said bank to be signed on making such deposit, or to receive back any sum of money deposited in the said bank, or the dividends or interest arising therefrom, nor any receipt nor any entry in any book of receipts for money deposited in the said bank, nor for any money received by any depositor, his executors, or administrators, assigns, attorneys, or agents, from the funds thereof, nor any draft or order, nor any appointment of any agent, nor any certificate or other instrument for the revocation of such appointment, nor any bond or other instrument or document whatsoever required or authorized to be given, issued, signed, made, or produced in pursuance of this Ordinance or of the rules and regulations of the said bank, shall be subject to or be charged with any stamp duty or duties whatsoever.

Substitution of the word "manager" for "secretary". [§ 12, 6 of 1955.]

35. The word "manager" shall be substituted for the word "secretary" wherever that word occurs in any rule or regulation or document made or issued under this Ordinance.

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CHAPTER 400

LOAN BOARD

AN ORDINANCE TO PROVIDE FOR THE CONSTITUTION AND MANAGEMENT OF THE LOAN BOARD AND TO MAKE CERTAIN UNCLAIMED BALANCES AVAILABLE FOR CERTAIN PUBLIC PURPOSES.

Ordinances Nos. 4 of 1865, 10 of 1926, 43 of 1942, 31 of 1947,
Acts Nos. 2 of 1950, 5 of 1952.

[*1st July, 1866.*]

1. This Ordinance may be cited as the Loan Board Ordinance. Short title.

LOAN BOARD AND OFFICERS

2. It shall be lawful for the Minister,[1] from time to time as occasion may require, to appoint three or more fit and proper persons to be the Commissioners of the Loan Board, and to nominate one of them to be the Chief Commissioner ; and they shall hold office during pleasure, and exercise the duties and powers hereby conferred on them. Minister to appoint Commissioners of Loan Board.

3. The commissioners may, with the prior approval of the Minister of Finance, appoint a secretary and such number of other officers as may be necessary to assist them in the execution of the duties and powers hereby conferred on them. Commissioners to appoint secretary, clerks, &c. [§ 2, 5 of 1952.]

4. The Deputy Secretary to the Treasury[1] shall be the treasurer of the Loan Board, provided, however, that nothing herein contained shall prevent the Deputy Secretary to the Treasury[1] being appointed a commissioner in addition. Treasurer.

5. The Minister with the concurrence of the Minister of Finance[1] may from time to time, direct to be paid out of the Consolidated Fund[1] to such commissioners, secretary, clerks, and officers as aforesaid, such salaries or remuneration as to him shall appear reasonable. Salaries.

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MEETINGS OF LOAN BOARD

Meetings of commissioners.

6. Meetings of the commissioners for the despatch of business shall be held, and special meetings shall be convened at such times and with such notice to the commissioners as shall be fixed by general rules made under section 9.

Chairman.

7. The Chief Commissioner shall be the chairman of such meeting. In his absence it shall be competent to the commissioners to elect one of their own body.

Majority to decide.

Quorum.

Casting vote.

8. All acts whatsoever authorized or required by virtue of this Ordinance to be done by the Loan Board may and shall be done and decided by the majority of the commissioners, such number not being less than two. When the votes of the commissioners present in regard to any question shall be equally divided, the chairman, besides his vote as a commissioner, shall have a casting vote.

RULES AND REGULATIONS

Commissioners may make rules and regulations.

9. It shall be lawful for the commissioners to make such rules and regulations as they may deem expedient for any of the following purposes :—

(*a*) for regulating the meetings and proceedings of the commissioners ;

(*b*) for determining the securities upon which loans are to be made and the charges payable by borrowers ;

(*c*) for determining the rates of interest on loans and deposits ;

(*d*) for determining the distribution of interest realized upon the loans ;

(*e*) for regulating the books and forms of accounts to be kept and rendered ;

(*f*) for providing for every other matter not herein specially provided for, but necessary for the due regulation of the board and the funds thereof :

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Provided that such rules and regulations be not repugnant to or inconsistent with any of the provisions of this Ordinance, and that copies thereof with all convenient speed be transmitted to the Minister [1] for the approval, amendment, or disallowance thereof by the Minister ; [1] and the said rules so approved or amended shall thereupon become as legal, valid, and effectual as if the same had been inserted herein.

General Provisions

Control of Loan Board, &c., to be vested in commissioners.

10. As soon as commissioners have been appointed for the purposes of this Ordinance, the management of the Loan Board and all control and superintendence over or regarding the investment, management, and administration of any of the funds heretofore and now administered by the Loan Board (to wit, the funds administered in the time of the Dutch Government by the Weeskamer and Boedelkamer, the funds formed of the deposits made by the suitors of the Supreme Court of Judicature, the funds formed of the deposits made by suitors in the different District Courts in Ceylon, or by or on account of trustees, tutors, curators, guardians, executors, administrators, receivers, minors, insane or interdicted persons, deceased persons, insolvents' and trust estates, and all funds of whatever description which have come to the custody of the Loan Board or are at present administered by it) shall be vested in and be exercised by the said commissioners, subject to the limitations herein prescribed, and the Judges of the Supreme Court shall be relieved from any share in the general superintendence and control over the said board, and from the necessity of affixing their signatures to the accounts and other documents thereof :

Provided that nothing herein contained shall be construed to limit or affect the jurisdiction of the said Supreme Court in any question that may come before it for judgment in due course of law, affecting the title to or the recovery of any money or estate, or part of such funds as aforesaid, or affecting the application thereof to the use of any suitor or other person thereto entitled.

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Commissioners to be trustees.

11. All moneys and estate forming at present the funds herein before mentioned, and which are invested by or in the name of the Registrar of the Supreme Court, or lying in deposit subject to the disposal of the Loan Board, or which are vested in, due to, or in any way within the power or under the control of either of them, shall be deemed to be vested in the said Commissioners of the Loan Board hereunder appointed in trust for the use of the persons who shall be entitled to the same, and for the uses, ends, and purposes further in this Ordinance provided and declared.

Commissioners to invest suitors' funds, subject to certain rules.

12. (1) It shall be lawful for the said commissioners from time to time to lend out at interest all such moneys hereby vested in them as trustees as aforesaid, or which may have been or may hereafter be transmitted by or from or on account of the several courts and Judges of Ceylon to the Treasury, subject to such rules and regulations regarding investment, security, change of securities, interest, conditions, and administration as they may from time to time make as herein provided.

[§ 2, 43 of 1942.]

(2) When the commissioners receive payment of the whole or any part of the amount due in respect of any loan granted by them on the security of a mortgage of any property, the writing or instrument for effecting, as the case may be, the discharge of the mortgage bond or the release of any part of the property from any liability under that bond, may, notwithstanding anything contained in section 8, be executed either by the Chief Commissioner and one other of the commissioners or by the Chief Commissioner and the person for the time being holding the office of secretary of the Loan Board ; and every writing or instrument so executed shall be as valid and effectual for all purposes as if it had been executed by each and every one of the commissioners.

Commissioners to sue and be sued.

13. The commissioners hereby appointed shall be entitled to sue upon all bonds, obligations, mortgages, and securities, and all contracts whatever heretofore granted to or made by the Loan Board or the Registrar of the Supreme Court on behalf of the Loan Board, and

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to recover the same, and to appear in all suits or proceedings already commenced or taken in which the Loan Board or the said Registrar is interested, for and on behalf of the Loan Board ; and all bonds, obligations, mortgages, and all contracts whatsoever to, by, or with the commissioners hereunder appointed, and all suits and actions by or against the said commissioners, shall be made to, by, or with them, and shall be instituted by or against them, under the name of " The Commissioners of the Loan Board ", without specifying the names of the individual commissioners or any of them ; and no action shall abate by reason of the death, removal, resignation, incapacity, or going out of office of any of them ; and the service of all process in any suit or action against the said commissioners shall be made on the secretary.

Duty of board to keep books of account.

14. The Commissioners of the Loan Board shall from time to time order and direct a book or books to be kept, in which shall be entered true and regular accounts of all sums of money received, paid, and expended by the Loan Board and of the several articles, matters, and things in respect of which sums of money shall have been disbursed.

Power to Auditor-General to audit accounts.

15. All accounts kept by the board under section 14 or otherwise shall be subject to audit by the Auditor-General, who shall have power at all times, by himself or by any person appointed by him in writing, to inspect all books and documents of account, and to call for the production of all documents or vouchers necessary for the verification of such accounts.

Parate execution.

16. It shall be lawful for the Commissioners of the Loan Board to sue out from any court having jurisdiction over the person or effects of any person who now owes or may hereafter owe money to the Loan Board, and who shall not repay the principal amount at the period by his obligation stipulated, in one month after demand made in writing by or in the name of the said commissioners, or shall make default in the payment of the stipulated interest, due on the same for more than one month, process of parate execution against the body

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and effects of such person ; and every such court is hereby authorized and directed on the application of the said commissioners, verified by affidavit of any commissioners swearing to the existence of the obligation and default, forthwith, and without further notice or delay, to issue such process.

Power of commissioners to purchase property.

17. (1) Where in a hypothecary action an order is made that any property mortgaged to the commissioners shall be sold, the commissioners may purchase the mortgaged property or any part thereof in the same manner and subject to the same restrictions and conditions as may other mortgagees in similar circumstances.

(2) All property so purchased shall be conveyed to the commissioners as such, and it shall not be necessary to mention the names of the commissioners in the conveyance, and after such conveyance the property shall vest in the commissioners from time to time without any further conveyance or transfer.

(3) The commissioners shall hold property so purchased by them upon trust to sell the same as and when, in their opinion, a sale shall be beneficial and until sale shall have full power to manage the property and expend money thereon and to let the same.

(4) All conveyances on sale, leases, agreements, and other documents relating to property so purchased by the commissioners may be executed by the Chief Commissioner and either the secretary of the Loan Board for the time being or at least one other commissioner, and the conveyances on sale, leases, agreements, and other documents so executed shall be as valid and effectual as if they had been executed by each and every of the said commissioners.

(5) All purchases hitherto made by the commissioners of properties mortgaged to them are hereby declared to be as valid and effective for all intents and purposes as if this section had been in force at the time of such purchase, and the properties so purchased shall

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vest in the commissioners from time to time without any further conveyance or transfer and shall be subject to the provisions of subsection (3) of this section.

Reimbursement of expenses borne by Government.

[§ 2, 31 of 1947.]

18. Out of the aggregate interest actually received by the board from the investments made under section 12, the commissioners shall pay to the Government of Ceylon, in respect of each year, a sum equal to the amount for the time being approved by the Minister of Finance [1] as the equivalent of or nearest approximation to the aggregate expenses incurred or borne by that Government in connexion with the management of the affairs of the board.

Agents to transmit moneys to the Treasury.

19. At the end of every month the Government Agent of each administrative district in Ceylon shall transmit to the Treasury at Colombo the balance, if any, which at the end of every such month shall be in his hands to the credit of each and every District Court within his district, or if such balance be in favour of such Government Agent in account with any of the District Courts within his district, he shall then draw upon the said Treasury for the amount of such balance ; and all suitors and other persons entitled to the moneys so transmitted to the Treasury shall be entitled to the same advantages and interest, subject to the same conditions as the moneys now under the administration of the Loan Board are entitled and subject to, or to which they shall become entitled and subject by any rules and regulations to be made as herein provided.

Disposal of moneys long unclaimed.

20. Whereas certain moneys heretofore administered by the Loan Board have been in deposit for very long periods of time and no claims have been preferred to them, and the retention of them in the books and accounts of the board is productive of much inconvenience, it is enacted as follows :—

[§ 3, 31 of 1947.]

(1) If any sum of money, not being less than one hundred rupees, now or which may hereafter come under the administration of the Loan Board shall have been in deposit to the credit

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of any person or estate, and shall not have been claimed by any person having a just and lawful
[§ 3, 31 of 1947.] right thereto for the period of thirty years next succeeding the date of the last deposit (other than a deposit made by the commissioners on account of interest), or the last withdrawal authorized in that case by the order of a competent court, or having been claimed, such claim shall have been abandoned, withdrawn, or not prosecuted within one year from the date of claim, or if such claim has been set aside, then and in every such case every account with such person or estate shall be closed, and all such money shall, owing to the lapse of such period, become the property of the Crown, and shall be paid over by the Commissioners of the Loan Board to the Deputy
[§ 3, 31 of 1947.] Secretary to the Treasury,[1] to be carried to the account of the Consolidated Fund :[1]

[§ 3, 31 of 1947.] Provided, however, that in any case where any money subject to a trust or to a fideicommissum, or belonging to a minor or to a person adjudged to be of unsound mind, is so carried to the account of the Consolidated Fund,[1] if any person at any time thereafter establishes a claim to the whole or any part of such money to the satisfaction of the court, the Minister with the concurrence of the Minister of Finance[1] may authorize the payment to that person, out of the Consolidated Fund,[1] of such sum, not exceeding the amount which was carried in that case to the account of the Consolidated Fund,[1] as may be specified in the order made by the court upon that claim.

[§ 3, 31 of 1947.] (2) If any sum of money, being less than one hundred rupees, now or which may hereafter come under the administration of the Loan Board shall have been in deposit to the credit of any person or estate, and shall not have been claimed by any person having just and
[§ 3, 31 of 1947.] lawful right thereto for ten years from the date of the last deposit, or the last withdrawal

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authorized in that case by the order of a competent court, or having been claimed, such claim shall have been abandoned, withdrawn, or not prosecuted within one year from the date of claim, or if such claim has been set aside, then and in every such case every account with such person or estate shall be closed ; and all such money shall, owing to the lapse of time, be paid over by the Commissioners of the Loan Board to the Deputy Secretary to the Treasury,[1] to be carried to the account of the Consolidated Fund : [1] [§ 3, 31 of 1947.]

Provided, however, that in any case where any person makes a claim to the whole or any part of such money within the period of twenty years next succeeding the date on which the money is so carried to the account of the Consolidated Fund [1] and establishes such claim to the satisfaction of the court, such sum, not exceeding the amount so carried to the account of the Consolidated Fund,[1] as may be specified in the order made by the court upon that claim, may be paid to that person out of the Consolidated Fund ; [1] [§ 3, 31 of 1947.]

Provided further, that in any case where any money subject to a trust or to a fidei-commissum, or belonging to a minor or to a person adjudged to be of unsound mind, is so carried to the account of the Consolidated Fund,[1] if any person, even after the period of twenty years next succeeding the date on which the money is so carried to the account of the Consolidated Fund,[1] establishes to the satisfaction of the court a claim to the whole or any part of such money the Minister with the concurrence of the Minister of Finance [1] may authorize the payment to that person, out of the Consolidated Fund,[1] of such sum, not exceeding the amount so carried to the account of the Consolidated Fund,[1] as may be specified in the order made by the court upon that claim.

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[§ 3, 31 of 1947.]

(3) Every claim under the foregoing provisions of this section shall be made by way of summary procedure, under Chapter XXIV of the Civil Procedure Code, in the action to the credit of which the money is in deposit immediately before it is carried to the account of the Consolidated Fund,[1] and the Attorney-General and all persons known to have any interest in or claim to such money shall be made parties to the application.

Nothing herein to affect liability of board to account to courts or to execute its orders.

[§ 4, 31 of 1947.]

21. Nothing herein contained shall be deemed to affect the liability of the Loan Board to account to the different courts for the moneys placed in deposit by the orders of such courts, or to conform to and comply with such orders as it has heretofore done.

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CHAPTER 401

NATIONAL HOUSING

AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF A NATIONAL HOUSING FUND, FOR THE PROMOTION OF HOUSING AND BUILDING DEVELOPMENT BY THE ESTABLISHMENT OF BUILDING SOCIETIES AND BY THE DECLARATION OF BODIES OF PERSONS AS HOUSING BODIES AND HOUSING COMPANIES, FOR THE GRANT OF ASSISTANCE BY GOVERNMENT FOR SUCH DEVELOPMENT, AND FOR MATTERS CONNECTED THEREWITH.

Acts Nos. 37 of 1954, 22 of 1955, 30 of 1955.

[*6th August, 1954.*]

Short title.

1. This Act may be cited as the National Housing Act.

Housing objects.

2. Each of the objects specified hereunder is hereby declared to be a housing object for the purposes of this Act :—

(*a*) the construction of buildings for residential purposes and for any other purpose connected with or incidental to any of the objects hereinafter specified ;

(*b*) the manufacture, importation or supply of materials required for the construction of such buildings ;

(*c*) the provision of roads, water, electricity, gas, and sewerage ;

(*d*) the administration, management or control of buildings and building schemes ;

(*e*) the provision of amenities for the inhabitants of any area in which any housing scheme has been carried out including transport and other services ;

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(*f*) any other prescribed object ;

(*g*) any object reasonably connected with or ancillary to any of the objects specified in paragraphs (*a*) to (*f*) of this section ;

(*h*) the development of land for the carrying out of any of the objects herein before specified ; and

(*i*) the grant of assistance for the purpose of enabling the carrying out of any of the objects herein before specified by the lending of money in any manner whatsoever or by the undertaking of guarantees or by promoting, effecting, insuring, guaranteeing, underwriting, participating in the managing and carrying out of any issue, public or private, of Government or other loans or of shares, stock, debentures or debenture stock of any body corporate and by the lending of money for the purpose of any such issue.

Housing powers.

3. Each of the powers specified hereunder is hereby declared to be a housing power for the purposes of this Act :—

(*a*) the power to acquire, or to receive by way of gift or otherwise, any immovable or movable property and to hold, manage, sell, surrender, exchange, lease or otherwise dispose of such property, for the purpose of carrying out any housing object ;

(*b*) the power to borrow money for that purpose ;

(*c*) the power to charge rent or fees for any buildings or any services provided by the carrying out of any housing object ; and

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(*d*) the power to enter into such contracts and to make such arrangements or to do all such acts and things as may be necessary or expedient for the purpose of carrying out any housing object.

PART I

National Housing Fund

Establishment of National Housing Fund.

4. A fund to be called the National Housing Fund shall be established for the purposes of this Act.

Administration and accounts of National Housing Fund.

5. (1) The Commissioner shall administer the National Housing Fund. All payments out of the fund shall be made by the Commissioner.

(2) The accounts of the National Housing Fund shall be audited annually by the Auditor-General. The accounts for each year together with a report of the Auditor-General thereon shall be laid before Parliament.

Loans for purposes of National Housing Fund.

6. (1) The Minister may from time to time, under the authority of a resolution of the House of Representatives, raise a loan not exceeding such sum as may be specified in the resolution for the purposes of the National Housing Fund. Such loan shall be raised in such manner and on such terms as may be prescribed.

(2) All sums raised by way of loan by the Minister shall be credited to the National Housing Fund and all sums due as principal and interest on such loans shall be a charge on that fund.

[§ 2, 30 of 1955.]

(3) No stamp duty shall be payable in respect of any debenture issued for the purpose of any loan raised by the Minister under subsection (1) or in respect of any instrument of transfer of any such debenture.

M 9——J. N. R 7598 (4/60)

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Payments into and out of the National Housing Fund.

7. (1) There shall be paid into the National Housing Fund—

(a) all such sums of money as may have been, prior to the appointed date, voted by Parliament, or by resolution of the House of Representatives, for the Ministry for the purposes of housing ;

(b) all such sums of money as may, on or after that date, from time to time be voted by Parliament or by resolution of the House of Representatives, for the purposes of the fund ; and

(c) all such other sums of money, deposits, dividends and profits as are required or stated by this Act to be credited or forfeited to that fund.

(2) There shall be paid out of the National Housing Fund—

(a) all loans granted by the Commissioner under this Act ;

(b) all payments, expenses, costs and other sums which are declared by this Act to be a charge on that fund ; and

(c) all such sums as are authorized to be so paid out by the Minister.

PART II

Administrative Arrangements

Appointment of Commissioner for National Housing.

8. (1) There shall be appointed, by name or by office, a person to be or to act as the Commissioner for National Housing.

(2) In the exercise, discharge or performance of the powers, functions or duties assigned to or imposed on him under this Act, the Commissioner shall be subject to the general or special directions of the Minister.

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Appointment of Deputy Commissioners and Assistant Commissioners for National Housing and staff.

9. (1) There shall be appointed—

(*a*) such number of persons, by name or by office, to be or to act as Deputy Commissioners for National Housing as may be deemed necessary for the purposes of this Act ;

(*b*) such number of persons, by name or by office, to be or to act as Assistant Commissioners for National Housing as may be deemed so necessary ; and [§ 3, 30 of 1955.]

(*c*) such number of other officers and servants as may be deemed so necessary.

(2) In the exercise, discharge or performance of the powers, functions or duties assigned to or imposed on him under this Act, a Deputy Commissioner or an Assistant Commissioner shall be subject to the general or special directions of the Commissioner. [§ 3, 30 of 1955.]

PART III

Building Societies

Formation of building societies.

10. Any two or more persons associated solely for the purpose of establishing a society for the raising by the subscriptions of the members a stock or fund for making advances to members for the carrying out of any housing object referred to in paragraphs (*a*) to (*h*) of section 2 may—

(1) by subscribing their names to an instrument of association approved by the Commissioner ; and

(2) by registering such instrument with the Commissioner,

form an incorporated building society with limited liability.

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Approval of instrument of association of a building society.
[§ 4, 30 of 1955.]

11. The Commissioner may in his discretion approve or refuse to approve of the instrument of association of any building society. The decision of the Commissioner on an application for the Commissioner's approval of an instrument of association of a building society shall, if an address is specified in the application, be notified in writing to the applicant at that address.

Requirements of instrument of association of a building society.

12. (1) The instrument of association of a building society must state—

(*a*) the name of the society, with "Limited" as the last word of the name;

(*b*) the object of the society;

(*c*) the powers of the society for the purpose of carrying out its object;

(*d*) that the liability of its members is limited;

(*e*) the extent to which the liability of its members is so limited;

(*f*) the manner in which, and the terms upon which, the stock or fund of the society is to be raised; and

(*g*) the address of the principal office of the society.

(2) The instrument of association of a building society must, if the society is to be terminated or dissolved on a particular date or in particular circumstances, state that date or those circumstances and the manner in which the society is to be so terminated or dissolved.

(3) The instrument of association of a building society shall make provision—

(*a*) in respect of all matters for which provision is required to be so made by regulations which are hereby authorized to be made for that purpose under this Act; and

(*b*) in respect of all such other matters as the Commissioner may deem necessary or expedient for the purpose of enabling it to function as a building society and to carry out its objects and to exercise its powers.

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(4) The instrument of association of a building society shall make provision for the management of the business of the society by a board of directors.

(5) The powers of a building society as stated in its instrument of association may include the power to hold land and mortgages over land, to make advances to members out of the stock or fund of the society and to borrow money, and such other powers as may be necessary for the purpose of carrying out its object.

Registration of instrument of association.

13. (1) The instrument of association of a building society shall, after it has been approved by the Commissioner, be delivered to the Commissioner who shall retain and register such instrument upon payment of the prescribed fee.

(2) All sums paid as fees under subsection (1) shall be credited to the National Housing Fund.

Effect of registration.

14. (1) On the registration of the instrument of association of a building society, the Commissioner shall certify under his hand that the building society is incorporated and that the society is limited.

(2) From the date of incorporation mentioned in the certificate of incorporation, the subscribers of the instrument of association together with such other persons as may from time to time become members of the building society shall be a body corporate by the name contained in such instrument by which it may sue or be sued, capable forthwith of exercising, discharging and performing all the powers, functions and duties assigned to or imposed on the society by such instrument or by or under this Act, and having perpetual succession (except as otherwise provided in such instrument) and a common seal.

(3) The instrument of association shall, when registered, bind the building society and the members thereof to the same extent as if they had been signed by each member, and contained covenants on the part of each member to observe all the provisions of the instrument.

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(4) All money payable by any member to the building society under its instrument of association shall be a debt due from him to the society.

Conclusiveness of certificate of incorporation.

15. A certificate of incorporation given by the Commissioner under this Part in respect of any association shall be conclusive evidence that all the requirements of this Act in respect of registration and of matters precedent or incidental thereto have been complied with, and that the association is a building society authorized to be registered and duly registered under this Act.

Alteration of instrument of association.

16. (1) A building society may alter the provisions of its instrument of association.

(2) The alteration shall not take effect until it has been approved by the Commissioner.

(3) The Commissioner may in his discretion approve or refuse to approve of the alteration.

[§ 5, 30 of 1955.]

The decision of the Commissioner on an application for the Commissioner's approval of the alteration of the provisions of the instrument of association of a building society shall, if an address is specified in the application, be notified in writing to the applicant at that address.

(4) The Commissioner may of his own motion alter the instrument of association of any building society; and any alteration so made by the Commissioner shall take effect as though it had been made by the society and approved by the Commissioner.

Appeals to Minister.

17. Any person who is aggrieved by the refusal of the Commissioner to approve of the instrument of association of a building society or any alteration thereof may, within thirty days after the date on which notice of such refusal is given to the applicant for such approval, appeal in writing against such refusal to the Minister whose decision on such appeal shall be final and conclusive.

[§ 6, 30 of 1955.]

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Copies of instrument of association to be given to members.

18. (1) A building society shall, on being so required by any member, send him a copy of its instrument of association upon payment of the prescribed fee. All sums paid as fees under the preceding provisions of this section shall be credited to the fund of the society.

(2) Where any alteration is made in the instrument of association of a building society, every copy of the instrument issued after the alteration has taken effect as herein before provided in this Act shall be in accordance with the alteration.

Definition of member of a building society.

19. (1) The subscribers of the instrument of association of a building society shall be deemed to have agreed to become members of the society, and on its registration shall be entered as members in its register of members which it is hereby required to keep and maintain.

(2) Every other person who agrees to become a member of a building society, and whose name is entered in its register of members, shall be a member of the society.

Contracts.

20. (1) Contracts on behalf of a building society may be made in the prescribed manner.

(2) A contract made according to this section shall be effectual in law and shall bind the society and all other parties thereto and their legal representatives.

(3) A contract made according to this section may be varied or discharged in the same manner in which it is authorized under this section to be made.

Bills of exchange and promissory notes.

21. A bill of exchange or promissory note shall be deemed to have been made, executed, or endorsed on behalf of a building society, if made, executed, or endorsed in the name of, or by or on behalf or on account of, the society by any person or persons duly authorized thereto as hereinafter provided.

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Persons authorized to act on behalf of a building society.

22. No persons other than the directors and persons thereunto expressly authorized by the board of directors and acting within the limits of the authority so conferred on them shall have any authority to make, draw, accept or endorse any promissory note, bill of exchange, cheque or order for the payment of money in the name or on behalf of a building society or to enter into any contract so as to impose thereby any liability on the society or otherwise to pledge the credit of the society.

Execution of deeds abroad.

23. The board of directors of a building society may, by writing under the seal of the society, empower any person, either generally or in respect of any specific matter, as its attorney, to execute deeds on its behalf at any place not situate in Ceylon.

Receipts when valid.

24. A receipt signed by any person authorized in writing by the board of directors of a building society to give receipts, shall be an effectual discharge for moneys paid to the society.

Company law not to apply to building societies unless so applied by Order of the Minister.

25. (1) The provisions of the Companies Ordinance, (other than the provisions of that Ordinance which are made applicable to a building society under this Act), or of any other written law relating to companies, shall not apply to a building society.

(2) Notwithstanding anything in subsection (1), the Minister may, whenever it shall seem to him expedient to do so, by Order published in the Gazette declare, as respects any particular building society or building societies generally, that any such provisions of the Companies Ordinance as are not for the time being applicable to such society or societies or the provisions of any other written law relating to companies, shall apply to such society or societies, and accordingly so long as that Order remains in force the provisions so applied shall *mutatis mutandis* apply in the case of such society or societies, as the case may be, in the manner and to the same extent as they apply in the case of a company.

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26. The Minister may by Order published in the Gazette declare that all or any of the provisions of Part IX of this Act shall apply to loans granted by any building society specified in the Order or to loans granted by all building societies.

Application of Part IX of this Act to loans granted by building societies.
[§ 7, 30 of 1955.]

PART IV

Housing Bodies

27. (1) The Minister may, upon application made in that behalf, by Order published in the Gazette declare that any body of persons specified in the Order shall be a housing body for the purposes of this Act.

Declaration of housing bodies.

(2) No Order shall be made by the Minister under subsection (1) in respect of any body of persons which is a building society or building company.

28. (1) For the purpose of constructing houses and providing amenities and services for its members or employees, any housing body may carry out any such housing object, and may exercise any such housing and other powers, as may be necessary for that purpose; and any houses constructed by that body may be let on such terms as would enable the tenant of each such house to be its owner after making a certain number of monthly payments as rent.

Power of housing bodies to carry out certain housing objects.

(2) The provisions of subsection (1) shall have effect notwithstanding anything in the memorandum or articles of association, or in the written law, charter or other instrument, by which a body of persons which is a housing body for the purposes of this Act has been established.

BUILDING COMPANIES

29. (1) The Minister may, upon application made in that behalf, by Order published in the Gazette declare that any company specified in the Order shall be a building company for the purposes of this Act.

Declaration of building companies.

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(2) No Order shall be made by the Minister under subsection (1) in respect of any company unless the object or objects of the company as stated in its memorandum of association consists or consist solely of any housing object or objects.

Powers of building companies to carry out housing objects.

30. (1) For the purpose of carrying out any housing object or objects stated in its memorandum of association, any company which is declared to be a building company under this Act shall have and may exercise any such housing and other powers as may be necessary for that purpose.

(2) The provisions of subsection (1) shall in their application in the case of a company which is declared to be a building company under this Act have effect notwithstanding anything to the contrary in any written law relating to companies or in the memorandum or articles of association of the company.

PART V

Recovery Of Possession Of Houses By The Commissioner, Building Companies, Building Societies, And Housing Bodies

Houses to which this Part applies, and interpretation of the expressions "landlord" and "occupier". [§ 9, 30 of 1955.]

31. (1) This Part shall apply to every house provided by the Commissioner or by a building company, building society or housing body for occupation by any person, whether such occupation is upon the payment of any rent or not.

(2) Where a house is provided by the Commissioner for occupation by any person, then, with reference to that house, the expression "landlord" in this Part means the Commissioner, and the expression "occupier" in this Part means that person.

(3) Where a house is provided by a building company, building society or housing body for occupation by any person, then, with reference to that house, the expression "landlord" in this Part means such company, society or body, and the expression "occupier" means that person.

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Obligation to vacate houses to which this Part applies.

32. (1) The occupier of any house to which this Part applies and his dependants shall not be entitled to occupy such house after the date of the lawful termination of his occupation thereof ; and accordingly the occupier shall on that date vacate the house, deliver possession thereof to his landlord, and together with his dependants, if any, depart from the land or premises in which the house is situated.

(2) Where any house to which this Part applies is provided by the landlord for occupation by any person in the employment of that landlord, that person's occupation of such house shall be deemed, for the purposes of this Part, to be lawfully terminated on the date of the lawful termination of the employment of that person.

(3) Where in any case referred to in subsection (2) the employment of the occupier is terminated without notice, the reference in that subsection to the date of the lawful termination of his employment shall be deemed to be a reference to the date fourteen days after the actual date of termination.

Application to court for recovery of possession and service of rule *nisi*.

33. (1) In any case where the occupier of any house to which this Part applies fails to comply with the provisions of subsection (1) of section 32, it shall be lawful for the landlord to file, in the Court of Requests of the division in which the house is situated, an application praying for the recovery of possession of the house, and for the ejectment of the occupier and his dependants, if any, from the land or premises in which the house is situated. Every such application shall be supported by an affidavit setting forth the time and manner of the termination of the occupation of the occupier.

(2) On receipt of an application under subsection (1), the court shall cause to be served on the occupier a copy of the application and affidavit and a rule *nisi* requiring him—

(*a*) to appear on a date specified in such rule, not being earlier than three, or later than seven, clear days after the date of the service of the rule ; and

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(*b*) to show cause why he should not deliver possession of the house as required by section 32 and depart from the land or premises on which it is situated, together with his dependants, if any.

(3) A rule *nisi* under subsection (2) shall be deemed to have been duly served on the occupier if it is delivered to him by the Fiscal or by any person authorized by the Fiscal, or where it cannot be so delivered, if it is posted by the Fiscal, or person authorized as aforesaid on some conspicuous part of the house to which the rule relates.

Adjournment of hearing.

34. (1) If any occupier upon whom a rule *nisi* is served under this Part appears before the court on the date specified in the rule and, by affidavit or by statement on oath or affirmation, raises any defence, which in the opinion of the court necessitates an adjournment of the hearing, the court shall immediately settle and record the issue or issues raised and shall, having regard to the circumstances of the case, appoint as early a date as possible for the hearing of evidence ; and in such case the chief clerk of the court shall thereupon issue a summons to every such witness as may be required by the parties commanding his attendance at the time and place specified in the summons.

(2) Where any date is appointed under subsection (1) for the hearing of any case, the hearing shall not again be adjourned for any later date—

(*a*) unless all the parties to the case consent to such adjournment ; or

(*b*) unless the court is satisfied, upon evidence furnished on oath or affirmation or by affidavit, that such adjournment is necessary by reason of the absence, otherwise than by collusion, of a witness who knows and is able to prove facts material to the case.

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(3) On the date appointed under subsection (1) for the hearing of the case or on such other date, if any, to which such hearing may be adjourned under subsection (2), the court shall hear and determine the issues raised and give judgment thereon, notwithstanding anything to the contrary in any other written law.

Issue and execution of writ for delivery of possession.

35. (1) If any occupier upon whom a rule *nisi* has been served under this Part, does not appear on the date specified in such rule or on such other date, if any, to which the hearing may be adjourned under this Part or, having appeared, fails to show good and valid cause why he should not deliver possession as required by section 32 of the house specified in the rule and depart from the land or premises on which it is situated, together with his dependants, if any, the rule *nisi* shall be made absolute ; and the court shall forthwith issue, and if need be reissue a writ of possession to the Fiscal of the district requiring and authorizing him before a date specified in the writ, not being earlier than three, or later than seven, clear days from the date of the issue of such writ, to deliver possession of the house to the landlord or to any other person appointed by the landlord for the purpose and to eject the occupier and his dependants, if any, from the land or premises on which the house is situated. Such writ shall be sufficient for the said Fiscal or any police officer authorized by him in that behalf to enter the house with such assistants as the Fiscal or such officer shall deem necessary and to give possession accordingly, and to eject the occupier and his dependants, if any, from the house and from such land or premises:

Provided, however, that where the court is satisfied that it is expedient, for any reasonable cause as hereinafter defined, that the issue of the writ should be postponed, the court may direct that such writ shall not be issued unless the occupier fails to deliver possession of the house and to depart from such land or premises, together with his dependants, if any, before a date specified in that behalf by the court.

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(2) In the preceding proviso, "reasonable cause" means—

(*a*) the illness of the occupier or any of his dependants ; or

(*b*) the failure of the landlord in any case referred to in section 32 (2) to pay any wages lawfully due to the occupier or to grant to him any benefit or privileges which he is entitled under any other written law to receive from the landlord in his capacity as an employer ; or

(*c*) the failure of the landlord in that capacity to issue to the occupier any discharge certificate or identification certificate which should properly be given to him ; or

(*d*) the failure of the landlord in any case where the house is let on terms enabling the occupier to become its owner after making a certain number of specified payments as rent, to repay to the occupier any sum for the repayment of which provision is made in the event of the termination of his occupation in the agreement entered into between the landlord and the occupier ; or

(*e*) any other cause which is good and sufficient in the opinion of the court.

Appeals.

36. Subject to the provisions of section 833A of the Civil Procedure Code, any person who is dissatisfied with any final judgment, or any order having the effect of a final judgment, pronounced or made by a Court of Requests under this Part may, before the expiry of a period of fourteen days (exclusive of Sundays and public holidays) from the date of such judgment or order, appeal to the Supreme Court against such judgment or order ; and the provisions of any other written law relating to appeals to the Supreme Court from judgments or orders of Courts of Requests shall apply in the case of any appeal preferred under the preceding provisions of this section.

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Provisions of this Act to apply exclusively in all actions for ejectment from houses to which this Part applies.

37. No action for the recovery of the possession of any house to which this Part applies or for the ejectment of the occupier from the land or premises in which the house is situated, shall be taken except under the provisions of this Part.

Costs, charges and stamp duties.

38. For the purpose of the application of the provisions of the Stamp Ordinance in respect of the duties on law proceedings, and of the provisions of the Civil Procedure Code in respect of costs and charges, proceedings under this Part shall be deemed to be a money case of the value of fifty rupees, and an application under section 33 of this Act shall be deemed to be a plaint in a money case of that value.

Forms.

39. The forms prescribed in the Schedule to the Small Tenements Ordinance shall, so far as they are applicable, be used for the purposes of this Act, with such modifications as the court may direct or as the circumstances of the case may require.

Exclusion of application of section 13 of Rent Restriction Act.

40. Nothing in section 13 of the Rent Restriction Act shall apply to or restrict the institution or maintenance of any proceedings under this Part in respect of any house to which this Part applies.

PART VI

Carrying Out Of Housing Objects By The Commissioner

Commissioner may carry out housing objects for the Government.

41. (1) The Minister may, from time to time, direct the Commissioner to carry out, on behalf of the Government, any housing object of any class or description referred to in paragraphs (*a*) to (*h*) of section 2.

(2) The costs incurred by the Commissioner in carrying out any housing object on behalf of the Government under subsection (1), including all sums payable under any contracts entered into or any arrangements made by him for that purpose, shall be a charge on the National Housing Fund.

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Commissioner may carry out housing objects with the consent of the owners of land.

42. (1) The Commissioner may, with the approval of the Minister, carry out any housing object in or upon any land by agreement with all the owners of that land, or in the absence of such agreement, by agreement with the majority of such owners, and on such terms as to the apportionment among, and payment by, such owners of the costs incurred by the Commissioner in carrying out that object as may be specified in the agreement.

(2) Regulations may be made under this Act providing—

(*a*) for the summoning of meetings of owners of land for the purposes of subsection (1) ;

(*b*) for the service of notices of such meetings on such owners and for the manner in which such service shall be effected ;

(*c*) for the procedure to be followed at such meetings ; and

(*d*) for all matters necessary for the purpose of enabling effect to be given to the provisions of that subsection.

(3) Where any agreement under subsection (1) is entered into in relation to any land, every owner of that land shall, notwithstanding that he is not a party to the agreement, be bound by the agreement in like manner and to the same extent as though he were a party thereto.

Costs of Commissioner in carrying out any housing object under section 42.

43. The costs incurred by the Commissioner in carrying out any housing object in or upon any land under section 42, including all sums payable under any contracts entered into or arrangements made by him for that purpose, shall be a charge on the National Housing Fund. All sums paid or recovered as such costs by the Commissioner from the owners of such land shall be credited to that fund.

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PART VII

Financial Assistance By Government For Carrying Out Housing Objects

Power of Commissioner to grant loans from National Housing Fund.

44. (1) The Commissioner may, in accordance with regulations which are hereby authorized and required to be made for that purpose under this Act, grant loans from the National Housing Fund to any person for the carrying out of any housing object. Such regulations may make provision for and in respect of all such matters as may be deemed necessary or expedient for the purpose including the terms and conditions subject to which such loans may be granted.

(2) All sums recovered as principal and interest on any loans granted from the National Housing Fund shall be credited to that fund.

Applications for loans.

45. Every application for a loan from the National Housing Fund shall be made to the Commissioner on such form as the Commissioner may provide for the purpose, and shall contain the particulars required to be stated by the applicant, and shall be accompanied by copies of such plans, estimates, specifications, and other documents as may be required by the Commissioner.

Government guarantee in respect of loans.

46. (1) The Minister of Finance may, in accordance with regulations which are hereby authorized and required to be made for that purpose under this Act, guarantee the repayment of the principal and interest due on any loan (other than a loan from the National Housing Fund) for the carrying out of any housing object. Such regulations may make provision for and in respect of all such matters as may be deemed necessary or expedient for that purpose including the terms and conditions subject to which such guarantees may be undertaken.

(2) The payment of any sum of money guaranteed by the Minister of Finance under subsection (1) is hereby charged on the Consolidated Fund.

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Priority of charge created by loan granted by the Commissioner.

47. Where the repayment of any loan granted by the Commissioner under this Part is secured by a mortgage of land, that land shall, on and after the date of the mortgage, be charged with the repayment of the loan with interest thereon in priority to every other debt, mortgage or charge affecting such land, except a prior duly registered mortgage debt due to a creditor who in good faith advanced the money before the loan was granted by the Commissioner.

Application of Part IX of this Act to loans granted by the Commissioner.

[§ 10, 30 of 1955.]

48. The Minister may by Order published in the Gazette declare that all or any of the provisions of Part IX of this Act shall apply to any such loan granted by the Commissioner as is specified in the Order or to all loans granted by the Commissioner.

PART VIII

Compulsory Acquisition Of Land For Carrying Out Housing Objects And Disposition Of Crown Land

Compulsory acquisition of land.

49. Where the Minister certifies that any land (other than Crown land) should be acquired by Government for the purpose of being made available for the carrying out of any housing object and such certificate is published in the Gazette, that purpose shall be deemed to be a public purpose, and that land may be acquired under the Land Acquisition Act, and be made available for that purpose to the Commissioner, or to any other person by being disposed of under the succeeding provisions of this Act.

Disposition of Crown land.

50. (1) A disposition of any Crown land—

(*a*) which has been made available by the Government acting on the advice of the Land Commissioner for the purpose of carrying out any housing object; or

(*b*) in or upon which any such object has been carried out by the Commissioner on behalf of the Government under this Act; or

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(c) which was acquired by Government with a view to being made available for that purpose,

may be made for that purpose under this Act by the appropriate authority with the prior approval of the Minister and subject to such conditions as the Minister may determine and to such further conditions as are, or are required to be, imposed by or under this Act.

(2) In determining the conditions subject to which a disposition of Crown land should be made under this Act the Minister shall have regard primarily to the interests of the public generally including those of persons requiring housing accommodation, and shall in particular have regard to the following considerations of policy, that is to say, that it is desirable, except in special circumstances, that any houses constructed in or upon that land should be let at a reasonable rent to individuals who are citizens of Ceylon and that they should be so let on such terms as will enable the occupiers thereof to become the owners of such houses after making a certain number of monthly payments as rent.

(3) A disposition of any Crown land under this Act shall, in addition to such conditions as may be imposed by the Minister, be subject to the condition that the grantee deposits in the National Housing Fund such sum as may be determined by the Commissioner and that the sum so deposited shall be forfeited to the fund if there is a breach of any condition to which such disposition is subject.

(4) Without prejudice to the discretion vested in the Minister to determine the conditions subject to which a disposition of Crown land may be made under this Act, regulations may be made prescribing the conditions subject to which any such disposition may be made. Regulations so made may provide—

(a) that title to such land shall revert to the Crown if the land is not used for the purpose for which the disposition was made or if it is used for any other purpose ;

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(*b*) that title to such land shall not pass to the grantee until the purpose for which the disposition was made has been carried out; and

(*c*) for all such matters as may be necessary or expedient for ensuring that the land is used for that purpose.

(5) A disposition of Crown land under this Act shall be effected by an instrument of disposition signed and executed by the appropriate authority.

(6) Nothing in the Crown Lands Ordinance shall affect or be deemed or construed to affect any disposition of Crown land under this Act.

[§ 11, 30 of 1955.] (7) No stamp duty shall be payable in respect of any instrument of disposition of Crown land under this section.

[§ 11, 30 of 1955.] (8) Where a disposition of Crown land is to be made under this section, the Commissioner may, if there is no plan of that land made by the Surveyor-General's Department, cause a survey and plan of that land to be made by a surveyor of the Department of National Housing or by any licensed surveyor approved by the Surveyor-General.

Reservation of minerals.

51. No disposition of any Crown land under this Act shall be deemed to confer any right to any mineral, mineral product, or mineral oil in, under, or upon that land unless otherwise expressly provided in the instrument of disposition; and, save as so expressly provided, all such minerals, mineral products, and oil shall, notwithstanding any such disposition, be deemed to remain and shall remain the absolute property of Her Majesty.

Covenants and conditions to run with the land.

52. Where the rights under the instrument of disposition of any Crown land under this Act are not personal to the grantee but may be assigned by act *inter vivos* or may pass on his death to his heirs or devisees, the burden of any covenants or conditions

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inserted in that instrument shall run with the land and shall be binding upon the grantee and upon all persons claiming that land through, from, or under the grantee.

Reversion of title to the Crown.

53. Upon the production before a court of competent jurisdiction of a certificate from the Commissioner to the effect that any Crown land which has been disposed of under this Act has not been used for that purpose or has been used for any other purpose or that there has been a failure to comply with any condition of the disposition, the Crown shall be entitled to a decree cancelling the disposition of such land and declaring the land to be vested in the Crown free from all encumbrances.

Cancellation of instruments of disposition of Crown land.

54. Where in the instrument of disposition of any Crown land under this Act provision is made to the effect that such disposition may be cancelled or determined—

(*a*) in the event of a failure to comply with any condition of such disposition ; or

(*b*) in the event of any moneys due to the Crown under such instrument remaining unpaid for any period of time specified therein,

and where there is such a failure or where such moneys remain unpaid for the period so specified, as the case may be, the appropriate authority may by endorsement on such instrument cancel such disposition, and such disposition shall be determined accordingly :

Provided, however, that such endorsement shall not be made on such instrument until the grantee under such instrument has been afforded an opportunity of showing cause against the proposed cancellation.

Notice to be issued to party in occupation to vacate land.

55. Where the instrument of disposition of any Crown land under this Act is cancelled, the Government Agent of the administrative district in which that land is situated may in writing order any person in possession or occupation of that land to vacate that land within the time specified in the order.

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Ejectment where occupant fails to vacate land.

56. Where a person on whom an order under section 55 is served fails to vacate the land to which the order relates within the time allowed by the order, he may be ejected from that land in accordance with the procedure prescribed by sections 120 to 127 (both inclusive) of the Land Development Ordinance which shall apply in relation to that land as though the instrument of disposition of that land were a grant under that Ordinance and that land were a holding under that Ordinance, and such order were a notice under section 119 of that Ordinance.

No legal claim for compensation, &c., to be founded on cancellation of instrument of disposition.

57. Neither the grantee under the instrument of disposition of any Crown land under this Act nor any other person shall be entitled to any sum by way of compensation, damages or otherwise by reason of the cancellation of such instrument under this Part of this Act; and no claim for any such sum shall be entertained by any court.

Dispositions executed by grantee.

58. Where in the instrument of disposition of any Crown land under this Act it is provided that any disposition of that land shall not be effected by the grantee under that instrument without the prior consent of the Commissioner, any disposition of that land executed by such grantee without such consent shall be void and inoperative for all purposes.

Rectification of errors, &c., in instruments of disposition.

59. Where the instrument of disposition of any Crown land under this Act contains any clerical or other error or requires amendment in respect of the description of that land or in respect of the inscription or recital of the name or designation of the grantee under such instrument or of any other material fact, such error may be rectified or such amendment may be made by an endorsement on such instrument signed by the appropriate authority and such grantee; and any endorsement so signed shall be sufficient for all purposes to rectify the error or to effect the amendment; and the instrument on which any such endorsement is made shall have effect as though it had been originally executed as so rectified or amended.

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Authentication of copies of instruments of disposition.

60. (1) A copy of the instrument of disposition of any Crown land under this Act shall be authenticated by the signature of an officer authorized in that behalf by the appropriate authority and shall be deposited for purposes of record at the office of the Registrar of Lands of the district in which that land is situated and at any other office which the Minister may from time to time appoint.

(2) Any such copy as is referred to in subsection (1) shall, if authenticated in the manner specified in that subsection, be primary evidence, within the meaning of section 62 of the Evidence Ordinance, of the instrument of which it purports to be a copy.

Definition of "appropriate authority".

61. For the purposes of this Part, the expression "appropriate authority", means the Commissioner or any officer authorized by him in that behalf.

Expenses of disposition of Crown land.

62. (1) All expenses incurred in the disposition of any Crown land under this Act shall be a charge on the National Housing Fund.

(2) All sums realized by the disposition of any Crown land under this Act shall be credited to the National Housing Fund. Any sums so credited shall, if the Minister so directs, be paid out of the fund into the Consolidated Fund.

PART IX

Provisions Which May Be Made Applicable To Loans

Application of this Part and interpretation of expression "appropriate authority". [§ 12, 30 of 1955.]

63. (1) Any provision of this Part shall apply to a loan granted by a building society if by an Order made under section 26 the Minister declares that such provision shall apply to such loan.

(2) Any provision of this Part shall apply to a loan granted by the Commissioner if by an Order made under section 48 the Minister declares that such provision shall apply to such loan.

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(3) In this Part the expression "appropriate authority"—

(*a*) with reference to a loan granted by a building society, means that society, and

(*b*) with reference to a loan granted by the Commissioner, means the Commissioner.

Power of appropriate authority to investigate purpose to which loan is applied.
[§ 12, 30 of 1955.]

64. The appropriate authority may call upon any person to whom a loan has been or is granted by that authority to satisfy that authority that the loan has been or is being applied to the purpose for which it has been or is granted, and the person so called upon may adduce evidence before the appropriate authority or any officer authorized by that authority to take such evidence, to prove that the loan has been or is being applied for such purpose.

Power of appropriate authority to require additional security or recall loan.
[§ 12, 30 of 1955.]

65. (1) The appropriate authority may at any time, in the discretion of that authority and without assigning any reason therefor, by written order direct that, within the time specified in that behalf in the order—

(*a*) additional security for a loan granted by that authority be provided to the satisfaction of that authority, and

(*b*) a loan granted by that authority be repaid either in full or in part.

(2) Where an order issued under subsection (1) in respect of a loan is not complied with within the time allowed therefor by the order, default shall be deemed to be made in respect of the whole of the unpaid portion of that loan and the interest due thereon up to date, and, where that loan was granted on the mortgage of any land, the provisions of sections 73 to 89 shall apply to and in relation to that loan.

Change of security.
[§ 12, 30 of 1955.]

66. The appropriate authority may, in lieu of the whole or any part of any security which that authority has already accepted for any loan, accept new security if the new security, either alone or

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together with any portion of the original security which is to remain, is sufficient for a new loan of an amount equal to the total of the principal and interest still outstanding on account of the original loan.

Mode of repayment of loans. [§ 12, 30 of 1955.]

67. Every loan shall be repaid—

(*a*) by instalments specified by the appropriate authority and paid at intervals so specified, or

(*b*) in any other manner so specified.

Registered address of borrower, &c. [§ 12, 30 of 1955.]

68. Every person—

(*a*) to whom a loan is granted by the appropriate authority, or

(*b*) who obtains probate of the will or letters of administration to the estate of a person to whom a loan has been granted by the appropriate authority, or

(*c*) who, under section 77, is appointed to represent the estate of a deceased borrower, or

(*d*) to whom any right, title or interest in any land mortgaged to the appropriate authority as security for a loan granted by that authority, or in any other description of security for such a loan, passes whether by voluntary conveyance or by operation of law,

shall notify in writing to the appropriate authority an address to which all notices to him may be sent.

Service of notice on borrower, &c. [§ 12, 30 of 1955.]

69. Any notice which is required by or under this Act to be served on any person to whom section 68 applies shall be deemed to be duly served on that person if it is sent by post in a registered letter directed to that person at the address notified by him under that section, and the service shall be deemed to be effected at the time at which the letter would be delivered in the ordinary course of post.

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Priority of charge created by loan made by appropriate authority.
[§ 12, 30 of 1955.]

70. Where a loan is granted by the appropriate authority on the mortgage of any land, that land shall on and after the date of the registration of such mortgage be charged with the payment of the loan with interest in priority to every other debt, mortgage or charge affecting it, except a debt which is secured by a mortgage duly registered prior to such date and which is due to a creditor who in good faith advanced the money before the loan was granted by the appropriate authority.

Form of mortgage of land.
[§ 12, 30 of 1955.]

71. (1) Every mortgage of land executed in favour of the appropriate authority as security for any loan shall be substantially in the prescribed form.

(2) Any such mortgage as is referred to in subsection (1) may include a covenant that a higher rate of interest than that on which the loan was granted shall be paid if the borrower fails or neglects to make any payment due on account of interest, principal or otherwise under the mortgage, in full and on the due date.

Default of payment.
[§ 12, 30 of 1955.]

72. Where default is made in the payment of any sum due on any loan granted on the mortgage of land, whether that sum is due on account of principal or interest or of both, default shall be deemed to be made in respect of the whole of the unpaid portion of that loan and the interest due thereon.

Action by appropriate authority where default is made.
[§ 12, 30 of 1955.]

73. Where under the provisions of this Act default is made or is deemed to be made in respect of the whole of the unpaid portion of any loan and the interest due thereon, the appropriate authority may, in the discretion of that authority, take action as specified either in section 74 or in section 76; and where in any case the appropriate authority takes action or commences to take action in accordance with section 74, that authority may at any time thereafter take action in that case under section 76 if that authority deems it necessary to do so.

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Appointment of manager to take possession of mortgaged land.
[§ 12, 30 of 1955.]

74. Subject to the provisions of section 77, the appropriate authority may by order in writing authorize any person specified in the order to enter upon any land mortgaged to the appropriate authority as security for any loan in respect of which default has been made, to take possession of and to manage and maintain such land, and to exercise the same powers in the control and management of such land as might have been exercised by the mortgagor if he had not made default.

Procedure where manager is appointed.
[§ 12, 30 of 1955.]

75. (1) Any person authorized by order of the appropriate authority under section 74 in respect of any land shall be entitled generally to take action in terms of the order and in particular—

(*a*) to sell the produce of such land ;

(*b*) to receive the rents, profits or other income from such land ;

(*c*) to pay the expenses incurred in the control and management of such land out of the income from such land ;

(*d*) to appropriate to himself out of such income such sum, if any, as the appropriate authority may deem fit to fix as remuneration for his services ; and

(*e*) to remain in possession of such land until all moneys due to the appropriate authority under the mortgage of such land have been fully paid or until he is directed by that authority to yield possession of such land under subsection (2).

(2) Any person authorized by order of the appropriate authority under section 74 in respect of any land shall—

(*a*) pay monthly, out of the income of such land, such sum, if any, as the appropriate authority in the discretion of that authority may fix, to the mortgagor for his maintenance ;

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(b) pay quarterly or as otherwise directed by the appropriate authority to such person or persons and in such manner as that authority may direct the balance of the income from such land remaining after the payments herein before authorized have been made ;

(c) keep and render to the appropriate authority at such intervals as that authority may determine, clear and accurate records of all sums received or paid out by him in respect of such land ; and

(d) yield possession of such land to the mortgagor or some other person as directed by the appropriate authority and pay to that authority any balance of the income from such land remaining in his hands after the payments herein before authorized have been made.

(3) The appropriate authority shall, when all sums due to that authority under the mortgage have been fully paid, surrender possession of the mortgaged land to the mortgagor and return to him any balance remaining of the income from such land.

Authorization of sale of mortgaged land.
[§ 12, 30 of 1955.]

76. Subject to the provisions of section 77, the appropriate authority may by order in writing authorize any person specified in the order to sell by public auction any land mortgaged to that authority as security for any loan in respect of which default has been made in order to recover the whole of the unpaid portion of such loan and the interest due thereon up to the date of the sale, together with the moneys and costs recoverable under section 83.

Where borrower is dead.
[§ 12, 30 of 1955.]

77. (1) Save as otherwise provided in subsection (2), the provisions of sections 74 and 76 shall apply in the case of any default notwithstanding that the borrower may have died or that any right, title or interest in the land mortgaged by the borrower as security for the loan may have passed by voluntary conveyance or by operation of law to any other person.

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(2) Where the borrower is dead and probate of his will or letters of administration to his estate have not been issued—

(*a*) the District Court of Colombo or the District Court of the district in which the land mortgaged by the borrower as security for the loan is situate may, upon application made in that behalf by the appropriate authority and after service of notice of the application on such persons, if any, as the court may order, and if satisfied that the grant of probate or the issue of letters of administration is likely to be unduly delayed, appoint a person to represent the estate of the borrower for the purpose of this subsection, and

(*b*) the provisions of sections 74 and 76 shall not apply in the case of any default made by the borrower unless and until a representative of his estate is appointed under this subsection.

Notice of order of appropriate authority to sell land. [§ 12, 30 of 1955.]

78. Notice of every order under section 76 authorizing the sale of any land shall be published in the Gazette and in a daily newspaper printed in English, and copies of such notice shall be served on the borrower, if he is alive, and on every person who has, in respect of that land, notified his address under section 68.

Notice of sale. [§ 12, 30 of 1955.]

79. Notice of the date, time and place of every sale shall, not less than fourteen days before the date fixed for the sale, be published in the Gazette, and copies of such notice shall be—

(*a*) served on the borrower, if he is alive, and on every person on whom notice of the order authorizing the sale is required to be served under section 78 ;

(*b*) posted on or near the land which is to be sold ; and

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(c) affixed to the walls of the kachcheri and the several District Courts and Magistrates' Courts within the jurisdiction of which the land is situate.

Payment before sale.
[§ 12, 30 of 1955.]

80. (1) If the amount of the whole of the unpaid portion of the loan (together with all interest due thereon according to the terms of the mortgage), and of the moneys and costs, if any, recoverable by the appropriate authority under section 83 is tendered to that authority at any time before the date fixed for the sale of the land mortgaged to that authority as security for the loan, that land shall not be sold and no further steps shall be taken in pursuance of the order under section 76 for the sale of that land.

(2) If the amount of the instalment or other payment in respect of which default has been made, together with any interest due thereon according to the terms of the mortgage, and of the moneys and costs, if any, recoverable by the appropriate authority under section 83 is tendered to that authority at any time before the date fixed for the sale of the land mortgaged to that authority as security for the loan, that authority may, in the discretion of that authority, direct that such land shall not be sold and that no further steps shall be taken in pursuance of the order under section 76 for the sale of such land.

Upset price.
[§ 12, 30 of 1955.]

81. The appropriate authority may fix an upset price below which the land mortgaged to that authority as security for the loan shall not be sold to any person other than that authority.

Default in respect of one of two loans on the same land.
[§ 12, 30 of 1955.]

82. In any case where two loans have been granted by the appropriate authority on the security of the same land and default is made in the payment of any sum due upon any one of such loans, the foregoing provisions of this Part shall apply notwithstanding that default may not have been made in respect of the other loan ; and the appropriate authority may, in any

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such case, by order under section 76 authorize the sale of the land for the recovery of the total amount due to that authority in respect of both such loans ; and the provisions of this Part shall apply accordingly.

Recovery of expenses and costs incurred by the appropriate authority.
[§ 12, 30 of 1955.]

83. In addition to the amount due on any loan, the appropriate authority may recover from the borrower or any person acting on his behalf—

(*a*) all moneys expended by that authority, in accordance with the covenants contained in the mortgage bond executed by the person to whom the loan was made, in the payment of premiums and other charges under any policy of insurance effected in respect of the land mortgaged to that authority, and in the payment of all other costs and charges authorized by the aforesaid covenants to be incurred by that authority ; and

(*b*) the costs of advertising the sale of, and of selling, the mortgaged land :

Provided that the amount recovered as costs under paragraph (*b*) of this section shall not exceed such percentage of the loan as may be prescribed.

Payment of balance of proceeds of sale after deduction of amount due to the appropriate authority.
[§ 12, 30 of 1955.]

84. Where the mortgaged land is sold, the appropriate authority shall, after deducting from the proceeds of the sale the amount due on the mortgage and the moneys and costs recoverable under section 83, pay the balance remaining, if any, either to the borrower or to any person legally entitled to accept the payments due to the borrower, or, if the appropriate authority is in doubt as to whom the money should be paid, into the District Court of the district in which such land is situate to be drawn by the person entitled thereto.

Certificate of sale.
[§ 12, 30 of 1955.]

85. (1) Where the mortgaged land is sold, the appropriate authority shall sign a certificate of sale and thereupon all the right, title and interest of the borrower to and in the land shall vest in the purchaser ; and thereafter it shall not be competent for any person claiming through or under any disposition

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whatsoever of the right, title or interest of the borrower to and in the land, made or registered after the date of the mortgage of the land to the appropriate authority, in any court to move to invalidate the sale for any cause whatsoever or to maintain any right, title or interest to or in the land as against the purchaser.

(2) A certificate signed by the appropriate authority under subsection (1) shall be conclusive proof, with respect to the sale of any land, that all the provisions of this Part relating to the sale of the land have been complied with.

(3) Regulations may be made under this Act prescribing the form of the certificate of sale.

(4) Every certificate of sale issued under this section shall be liable to stamp duty and charges as if it were a conveyance of immovable property and to any registration and other charges authorized by law, all of which shall be payable by the purchaser.

Order for delivery of possession.
[§ 12, 30 of 1955.]

86. (1) The purchaser of any land sold in pursuance of the preceding provisions of this Part shall, upon application made to the District Court of Colombo or the District Court having jurisdiction over the place where that land is situate and upon production of the certificate of sale issued in respect of that land under section 85, be entitled to obtain an order for delivery of possession of that land.

(2) Every application under subsection (1) shall be made, and shall be disposed of, by way of summary procedure in accordance with the provisions of Chapter XXIV of the Civil Procedure Code; and on all documents filed for the purpose of each such application and on all proceedings held thereupon, stamp duties and other charges shall be payable at the respective rates at which such duties and charges are payable under any written law for the time being in force on applications for, and proceedings connected with or incidental to, the execution of a decree of a District Court for the delivery of possession of any immovable property of the same value as the land to which such application relates.

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(3) Where any land sold in pursuance of the preceding provisions of this Part is in the occupancy of the debtor or of some person on his behalf or of some person claiming under a title created by the debtor subsequently to the mortgage of the land to the appropriate authority, the District Court shall order delivery of possession of that land to be made to the purchaser by putting the purchaser, or any person whom he may appoint to receive possession on his behalf, in possession of that land.

(4) Where any land sold in pursuance of the preceding provisions of this Part is in the occupancy of a tenant or other person entitled to occupy it, the District Court shall order delivery of possession of that land to be made to the purchaser by affixing a notice of the sale having taken place, in the English, Sinhalese and Tamil languages, in some conspicuous place on that land, and proclaiming to the occupant by beat of tom-tom, or in such other mode as may be customary, at some convenient place, that the interest of the debtor has been transferred to the purchaser. The cost of such proclamation shall be fixed by the court and shall in every case be prepaid by the purchaser.

(5) Every order under subsection (3) or subsection (4) shall be deemed, as the case may be, to be an order for delivery of possession made under section 287 or section 288 of the Civil Procedure Code, and may be enforced in like manner as an order so made, the debtor and the purchaser being deemed, for the purpose of the application of any provision of that Code, to be the judgment-debtor and judgment-creditor respectively.

Cancellation of sale.
[§ 12, 30 of 1955.]

87. Where the land sold is purchased by the appropriate authority, that authority may, at any time before that authority resells that land, cancel the sale by an endorsement to that effect on a certified copy of the certificate of sale, upon the debtor or any person on his behalf paying the amount due in respect of the loan for which the land was sold (including the costs of seizure and sale) and interest on the aggregate sum

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at a rate not exceeding the prescribed rate. Such an endorsement shall, upon registration in the office of the Registrar of Lands, revest the land in the debtor as though the sale under this Part had not been made.

Resale by appropriate authority. [§ 12, 30 of 1955.]

88. (1) Where the land sold is purchased by the appropriate authority and the sale is not cancelled under section 87, that authority may at any time resell the land and transfer to the purchaser by endorsement on such copy of the certificate of sale as is certified by that authority to be a true copy, all the right, title and interest to or in that land acquired by that authority.

(2) The provisions of subsection (4) of section 85 shall apply to an endorsement made under subsection (1) of this section in like manner as they apply to a certificate of sale.

(3) An endorsement made under subsection (1) shall, when it is registered in the office of the Registrar of Lands, vest in the purchaser specified in that endorsement such right, title and interest as are so specified.

Appropriate authority not precluded from other methods of recovery. [§ 12, 30 of 1955.]

89. Nothing in sections 73 to 88 shall be deemed to preclude the appropriate authority from recovering the amount due on any mortgage bond in accordance with the provisions of any other written law.

PART X

Exemption From Income Tax And General Provisions

Exemption from income tax of income from new houses. [§ 13, 30 of 1955.]

90. (1) The income accruing to any person from any new house shall be exempt from income tax under the Income Tax Ordinance in respect of the year of assessment commencing on the 1st day of April, 1955, and each of the seven years of assessment immediately succeeding.

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(2) In this section— [§ 13, 30 of 1955.]

(*a*) the expression "new house" means a house in respect of which a certificate is issued by the Commissioner, upon application made in that behalf by the owner or any owner of that house, to the effect that the construction of that house commenced on or after the appointed date; and

(*b*) the expression "income accruing to any person from any new house", means—

(i) if the house is let, the income accruing to that person by way of rent; or

(ii) if the house is not let but is occupied by that person, the income which would accrue to that person by way of rent if it were let.

(3) The decision of the Commissioner on any application for a certificate under subsection (2) in respect of a house shall be final and conclusive. [§ 13, 30 of 1955.]

Power of Commissioner to inspect plans, &c., relating to new houses. [§ 14, 30 of 1955.]

91. For the purpose of deciding whether to issue or refuse to issue a certificate under subsection (2) of section 90 in respect of any house, the Commissioner shall have access, without fee or charge, to any plans, specifications or other documents relating to that house which are in the possession of the proper authority, and the officers of every such authority shall, upon application, permit the Commissioner or any other officer authorized in that behalf by the Commissioner to inspect and take copies of such plans, specifications or other documents.

Powers under this Act not to be exercised in contravention of other written law.

92. No person on whom any power is conferred by this Act shall exercise that power in contravention of the provisions of the Municipal Councils Ordinance, the Urban Councils Ordinance, the Town Councils Ordinance, or of any other written law.

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Certificate from the Commissioner.

93. A certificate issued under section 53, or to the effect that a specified sum of money was due to the Crown or to the Commissioner from a specified person under this Act, shall, if it purports to be signed by the Commissioner, be prima facie proof of the facts stated therein, and shall be admissible as evidence of such facts in any court of law without proof of the signature of the Commissioner.

Recovery of moneys due to the Crown or the Commissioner.

94. (1) Upon the production of a certificate issued by the Commissioner under this Act to the effect that a specified sum of money was due to the Crown or to him on a specified date from a specified person, before a District Court having jurisdiction in the district in which that person resides or in which any property movable or immovable owned by that person is situate, the court shall direct a writ of execution to issue to the Fiscal authorizing and requiring him to seize and sell all and any of the property movable and immovable of that person or such part thereof as may be necessary for the recovery of that sum ; and the provisions of sections 226 to 297 of the Civil Procedure Code shall, *mutatis mutandis,* apply to such seizure and sale.

(2) Where the Commissioner issues a certificate referred to in subsection (1), he shall at the same time issue to the person specified in the certificate a notification thereof by personal service, registered post, or telegraph, but the nonreceipt of such notification by that person shall not invalidate proceedings under this section.

(3) Nothing in the preceding provisions of this section shall affect or be deemed or construed to affect the right of the Crown or the Commissioner to recover moneys due to the Crown or the Commissioner, as the case may be, under this Act in any other manner or by any other procedure applicable in that behalf.

Signature of documents by Commissioner on behalf of the Government.

95. The Commissioner is hereby authorized to sign and execute all documents required to be signed or executed in the exercise, discharge or performance by him under this Act of any powers, functions or duties on behalf of the Government.

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Declaration of secrecy.
[§ 15, 30 of 1955.]

96. (1) Every officer or servant of the Department of National Housing shall, before entering upon his duties under this Act, sign a declaration pledging himself to observe strict secrecy respecting all transactions of the Commissioner and all matters relating to such transactions, and shall by such declaration pledge himself not to reveal any matter which may come to his knowledge in the discharge of his duties except—

(*a*) when required so to do—

(i) by the Commissioner ; or

(ii) by a court of law ; or

(iii) by the person to whom such matter relates ; or

(*b*) in the performance of his duties ; or

(*c*) in order to comply with the provisions of this Act or any other law.

(2) Every officer or servant of the Department of National Housing shall decline to answer any question concerning the business of that department if he cannot answer the question without infringing his pledge of secrecy under subsection (1).

Offences.
[§ 16, 30 of 1955.]

97. (1) If any building society contravenes or fails to comply with any provision of this Act or of any regulations made thereunder or of its instrument of association, or if any officer of the proper authority contravenes or fails to comply with the provisions of section 91, that society or that officer, as the case may be, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees, and, in the case of a continuing offence, to an additional fine not exceeding fifty rupees for every day during which the offence is continued after a conviction thereof.

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(2) All sums paid or recovered as fines under this Act shall be credited to the National Housing Fund.

Regulations.

98. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all matters for which regulations are authorized or required by this Act to be made, all matters in this Act stated or required to be prescribed and all matters for which no provision or no effective provision is made by this Act.

(3) No regulation made by the Minister under this Act shall have effect until it is approved by the Senate and the House of Representatives and notice of such approval is published in the Gazette.

Loans and dispositions of land to be for the benefit of citizens of Ceylon.

99. (1) No loan shall be granted under this Act and no disposition of any Crown land shall be made under this Act, to individuals who, or to companies or firms or other associations of persons in which the majority of members, are not citizens of Ceylon except with the prior approval of the Cabinet :

Provided, however, that any such loan may be granted or any such disposition may be made, to any such individuals, companies, firms or other associations of persons without the prior approval of the Cabinet for the purpose only of the erection of houses which are to be occupied exclusively by citizens of Ceylon.

(2) For the purposes of this section, the expression " members " includes partners :

Provided however that any such loan may be granted or any such disposition made to any such individual or body corporate for the purpose of the erection of houses for exclusive occupation by citizens of Ceylon.

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100. (1) In this Act unless the context otherwise requires— Interpretation.

"appointed date" means the 6th day of August, 1954;

"body of persons" means any body of persons corporate or unincorporate;

"building" includes a house;

"building company" means a company which is declared to be a building company by Order under this Act;

"building society" means a building society incorporated and registered under this Act;

"carry out", in relation to a housing object, with its grammatical variations, includes the promotion of that object and the exercise of all such housing and other powers as may be necessary for carrying out that object;

"Commissioner" means the Commissioner for National Housing, and includes a Deputy Commissioner or an Assistant Commissioner; [§ 17, 30 of 1955.]

"company" means a company incorporated and registered under the Companies Ordinance;

"construct", in relation to any building, includes the conversion of a building into two or more flats;

"disposition", with its grammatical variations, means any transaction of whatever nature affecting land or the title thereto, and includes any conveyance, transfer, sale, lease, grant, surrender or exchange of land;

"flat" means a separate and self-contained set of premises constructed for use for residential purposes and forming part of a building from some other part of which it is divided horizontally;

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"grantee" means the person to whom any Crown land or right or interest in such land is disposed of by an instrument of disposition under this Act, and includes any person claiming such land or right or interest under, through or from that person ;

"housing body" means any body of persons which has been declared to be a housing body by Order of the Minister under this Act ;

"house" includes a flat ;

"housing object" means any object declared to be a housing object by section 2 of this Act ;

"housing power" means any power declared to be a housing power by section 3 of this Act ;

"instrument of disposition" means any instrument or document whereby any disposition of Crown land is effected and includes a grant or lease relating to Crown land ;

"person" includes any body of persons ; and

[§ 17, 30 of 1955.] "proper authority" means any Municipal Council, Urban Council, Town Council or Village Committee, or any Board of Improvement Commissioners appointed under the Housing and Town Improvement Ordinance.

(2) An instrument of disposition shall be deemed to be an instrument affecting land within the meaning of the Registration of Documents Ordinance.

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CHAPTER 402

AGRICULTURAL AND INDUSTRIAL CREDIT CORPORATION

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT AND REGULATION OF THE AGRICULTURAL AND INDUSTRIAL CREDIT CORPORATION OF CEYLON.

Ordinances
Nos. 19 of 1943,
20 of 1943,
39 of 1946,
46 of 1947,

Acts
Nos. 23 of 1949,
4 of 1950,
22 of 1950,
29 of 1953.

[*24th November, 1943.*]

Short title.

1. This Ordinance may be cited as the Agricultural and Industrial Credit Corporation Ordinance.

PART I

ESTABLISHMENT AND CONTROL OF THE CORPORATION

THE CORPORATION

Establishment of the corporation.

2. (1) A corporation to be called the Agricultural and Industrial Credit Corporation of Ceylon is hereby established.

(2) The Agricultural and Industrial Credit Corporation of Ceylon shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name. It shall, subject to the provisions of this Ordinance, be capable of acquiring, holding and alienating property, movable and immovable, and of doing and performing all such acts and things as bodies corporate may do and perform.

Head office and branch offices.

3. (1) The head office of the corporation shall be at Colombo.

(2) Such branch offices of the corporation as the board may consider necessary may be established at places in Ceylon other than Colombo.

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Law governing the corporation.

4. The corporation shall be conducted and managed in accordance with the provisions of this Ordinance to the exclusion of the provisions of the Companies Ordinance and of any other written law relating to companies.

General control of the corporation.

5. The general supervision, control and administration of the affairs and business of the corporation shall be vested in the board of directors of the corporation.

Business of the corporation.

6. The corporation is, subject to the provisions of this Ordinance, authorized to carry on and transact the several kinds of businesses specified in section 51.

THE BOARD OF DIRECTORS

Constitution of the board.

7. (1) The persons for the time being lawfully discharging the functions of the Minister, the Minister of Agriculture and Food and the Minister of Industries and Fisheries shall *ex officio* be members of the board of directors of the corporation.

(2) The Minister [3] may nominate not more than five other persons (hereinafter referred to as "the nominated directors") to be members of the board, in addition to the *ex officio* members, and may at any time remove any nominated director from office.

[§ 2, 20 of 1943.]

Chairman and deputy chairman of the board.

8. (1) The chairman of the board shall be elected by the members of the board from amongst their number.

(2) The members of the board may, if they think necessary, elect from amongst their number a deputy chairman.

(3) The chairman of the board shall preside at every meeting of the board at which he is present.

(4) In the absence of the chairman, the deputy chairman shall preside at meetings of the board ; and, in the absence of both the chairman and the deputy chairman, a director chosen by the majority of the directors present, shall preside at any meeting of the board.

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Meetings of the board.

9. (1) A meeting of the board shall be held as often as the chairman may deem necessary :

Provided that a meeting shall be held at least once in every month.

(2) The chairman shall upon a written requisition from any two directors call a special meeting. No such special meeting shall be held unless at least four days' notice specifying the time of such meeting and the purpose for which it is to be held has been given by notice in writing to every director.

Quorum.

10. Four directors shall constitute a quorum at any meeting of the board.

Determination of questions at meetings.

11. Any question which arises at any meeting of the board shall be decided by a majority of votes of the directors present and, in the case of an equality of votes, the director presiding at the meeting shall have a second or casting vote.

Minutes of meetings.

12. (1) The board shall cause minutes to be made, in books provided for the purpose, of the proceedings of every meeting of the board.

(2) The minutes of the proceedings of any meeting, if signed by the director presiding at that meeting or at the next succeeding meeting, shall be prima facie evidence of the proceedings of the meeting to which the minutes relate.

Resolution without board meeting.

13. (1) A resolution signed by all the directors of the corporation for the time being shall be as valid and effectual as if it had been passed at a meeting of the board.

(2) Every such resolution shall be recorded in the minutes book containing the proceedings of the board as if it had been passed at a meeting of the board.

Term of office of nominated director.

14. Every nominated director shall ordinarily be appointed and hold office for a term of three years, and shall be eligible for renomination at the end of that period.

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Remuneration of directors.

15. Every nominated director shall be remunerated from the funds of the corporation for work done by him in his capacity as a director according to such scale as the Minister [1] may determine.

Qualifications of nominated director.

16. No person shall be qualified to be a nominated director unless—

(*a*) he is a British subject and has been resident in Ceylon, whether continuously or otherwise, for a period or periods amounting in all to not less than five years out of the ten years immediately preceding the date of his nomination ;

(*b*) being a member of the House of Representatives[1] he shall resign therefrom within one month of being nominated a director ;

(*c*) being a whole-time salaried officer of the Government, he shall resign from such post within one month of being nominated a director.

Vacation of office of nominated director.

17. The office of a nominated director shall be vacated if such director—

(*a*) accepts or holds any office or place of profit under the corporation ;

(*b*) becomes bankrupt or is adjudicated insolvent or compounds with his creditors ;

(*c*) becomes of unsound mind or is adjudged to be of unsound mind ;

(*d*) is convicted of an offence and sentenced to imprisonment ;

(*e*) is absent from meetings of the board for more than three consecutive months without the leave of the board ;

(*f*) being a member of the House of Representatives [1] at the time of his nomination as director, fails to resign his seat in the House of Representatives [1] within one month of such nomination ;

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(*g*) becomes a member of the House of Representatives ;[1]

(*h*) becomes a whole-time salaried officer of the Government ;

(*i*) by letter addressed to the Minister[6] resigns his office ;

(*j*) is removed from office by the Minister.[6]

Certain officers deputising for Ministers at meetings.

18. (1)[6] Subject as hereinafter provided, any officer of Government may, by name or by office, be authorized in writing by any Minister referred to in section 7 (1) either generally to attend all meetings of the board, or specially to attend any particular meeting of the board, on his behalf :

Provided that the same officer of Government shall not attend any such meeting on behalf of more than one such Minister.

(2) Any officer authorized under subsection (1) shall, at any meeting which he is authorized to attend on behalf of any Minister referred to in section 7 (1),[6] be entitled to exercise the same privileges and rights as that Minister.[6]

Casual vacancies among nominated directors.

19. (1) If at any time a nominated director dies or vacates his office, the Minister[3] may nominate another person in place of the director so dying or vacating his office.

(2) The director so nominated shall hold office for the remainder of the period of office of the director in whose place he has been nominated and no longer, but shall be eligible for renomination.

Acting appointment in case nominated director unable to discharge his duties owing to illness, &c.

20. If it appears to the Minister[3] that a nominated director is unlikely to be able to discharge the duties of his office for a period of three months by reason of absence from Ceylon, illness, ill health, or any other cause whatsoever, he may appoint another person to act in the place of such director for such period as he may deem fit.

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Register of directors.

21. A register showing the names, addresses and occupations of the directors for the time being of the corporation shall at all times be kept at the head office of the corporation.

FUNDS OF THE CORPORATION

Advances to corporation from Consolidated Fund.
[§ 2, 22 of 1950.]
[§ 2, 4 of 1950.]

22. (1) Sums not exceeding thirty million rupees in the aggregate may, at the request of the board and with the approval of the Minister of Finance,[1] be advanced to the corporation out of the Consolidated Fund.[1] In addition to the aforesaid sums, any sums voted for the purpose by Parliament may be advanced to the corporation out of the Consolidated Fund for carrying on and transacting the business specified in paragraph (*n*) of section 51 (1). All such sums shall be advanced on such terms and conditions as to the rate and payment of interest and the time and manner of repayment, as the Cabinet of Ministers may determine.

(2) The Deputy Secretary to the Treasury [1] is hereby authorized and empowered to pay or cause to be paid any sum required to be advanced under this section to the corporation out of the Consolidated Fund.[1]

Grant from Consolidated Fund towards preliminary expenses.

23. (1) Such sums, not exceeding fifty thousand rupees in the aggregate, as may be required for the purpose of defraying the preliminary costs and expenses of the corporation may, at the request of the board, be granted to the corporation out of the Consolidated Fund. [1]

(2) The Deputy Secretary to the Treasury [1] is hereby authorized and empowered to pay or cause to be paid any sum required under this section to be granted to the corporation out of the Consolidated Fund.[1]

Power of board to raise money by debentures.

24. (1) Subject to the provisions of section 26, the board may from time to time raise by means of debentures such sums, not exceeding fifty million rupees in the aggregate, as may be required for the purpose of carrying on the business of the corporation.

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(2) In addition to the sums authorized to be raised under subsection (1), the board may, for the purpose of carrying on the business of the corporation and subject to the provisions of section 26, raise by means of debentures such further sums as may from time to time be authorized by resolution passed by the House of Representatives,[1] upon motion made in that behalf by the Minister.

(3) The principal of, and interest due upon, all sums raised under this section shall be charged upon all the property and assets of the corporation.

Power of board to borrow from the public. [§ 2, 39 of 1946.]

25. (1) The board may, pending any issue of debentures, raise from any person, for the purpose of carrying on the business of the corporation, a loan, repayable within a period not exceeding twelve months, of such sum or sums of money and on such terms and conditions relating to the rate and payment of interest, as the Minister of Finance[1] may approve.

(2) The principal of, and interest due upon, every loan raised under subsection (1) shall, as they fall due, be paid out of the funds of the corporation, and the payment thereof shall be guaranteed by the Government of Ceylon in writing under the signature of the Deputy Secretary to the Treasury.[1]

Provisions applicable to issue of debentures.

26. (1) The board shall, prior to each issue of debentures, with the approval of the Minister,[6] determine in respect of that issue of debentures—

(*a*) the maximum sum which may be raised by such debentures ;

(*b*) the rate of interest payable upon such debentures ;

(*c*) the amount or amounts for which such debentures will be issued ;

(*d*) the time or times at which and the manner in which such debentures will be redeemed, including the circumstances in which and the

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conditions and restrictions subject to which all or any of such debentures may be compulsorily redeemed.

(2) Every determination under subsection (1) in respect of an issue of debentures shall be published in the Gazette prior to the date on which such issue commences.

Mode of payment of interest on and principal of debentures.

27. (1) Subject to the provisions of subsections (2) and (3), the interest on and principal of all debentures shall be paid as they fall due from the funds of the corporation.

(2) Where the funds of the corporation are insufficient to pay the whole or any part of the interest on or the principal of any debentures, such interest and principal shall be paid from the Consolidated Fund,[1] upon which they are hereby constituted a charge.

[§ 2, 20 of 1943.]

(3) All sums paid out of the Consolidated Fund[1] under subsection (2) shall be repaid by the corporation on such terms and conditions as to the rate and payment of interest, and the time and manner of repayment, as the Minister of Finance[1] may determine.

Certificates on debentures.

[§ 2, 20 of 1943.]

28. Every debenture shall be in the prescribed form and shall bear—

(*a*) a certificate, signed by the chairman, to the effect that the principal of, and the interest due upon, the debenture are charged upon all the property and assets of the corporation; and

(*b*) a certificate, authenticated by the signature or the facsimile of the signature of the Deputy Secretary to the Treasury,[1] to the effect that the payment of the principal of, and the interest due upon, the debenture is guaranteed by the Government of Ceylon.

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Such certificates shall for all purposes be conclusive evidence of the matters stated therein and of the fact that the debenture has been duly issued under this Ordinance.

Register of debentures.

29. The corporation shall keep a register in which each debenture shall be entered, together with the date of issue and the name of the holder of that debenture.

Transfer of debentures.

30. Any debenture may be transferred by the holder thereof in such manner as may be prescribed:

Provided, however, that no transfer of any debenture shall be valid until such transfer has been entered in the register and endorsed upon the debenture by an officer of the corporation thereto authorized in writing by the board.

Debentures of deceased holder.

31. Where any debenture holder has died, no person other than an executor, administrator or heir of such holder shall be recognized by the corporation as having any title to any debenture of such holder.

Evidence of title to debenture.

32. The register of debentures shall be conclusive evidence that the person entered therein as the holder of any debenture is entitled to such debenture, and of the date of issue, redemption, cancellation, transfer, or transmission of any debenture, and of all other matters entered in such register.

Cesser of interest after repayment of debenture is available.

33. With effect from the day determined in the prescribed manner for the repayment of any debenture, all interest on the principal amount secured by that debenture shall cease, whether payment of such amount is or is not demanded.

Corporation not affected with notice of trusts.

34. (1) Save as is otherwise provided in this section, no notice of any trust in respect of any debenture shall be receivable by the corporation.

M 12——J. N. R 7598 (4/60)

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(2) Any debenture holder or any person who is an applicant for any debenture or to whom any debenture is to be transferred may, by request made in writing to the board, require that he be described in the register of debentures as a trustee, whether under a specified instrument of trust or otherwise ; and on such request being made, the board shall make such entries, in the register of debentures and in any debenture issued to such person, as the board may consider necessary for the purpose of complying with the request.

Where any request is made under this section by a debenture holder or by a person to whom a debenture is to be transferred, the debenture shall be transmitted to the board at the time when such request is made.

(3) Where any instrument of transfer of a debenture or any power of attorney or other document purporting to be executed by a debenture holder, who is described in the register of debentures as a trustee, is produced to the board, the board shall not be concerned to inquire whether the debenture holder is entitled in law to execute such instrument or other document or to give any such power ; and the board may act upon such instrument or power of attorney or document in like manner as though the debenture holder had not been described in the register as a trustee, whether he is or is not so described in such instrument, power of attorney or document, and whether he does or does not purport to execute such instrument, power of attorney or document in his capacity as a trustee.

(4) Nothing in subsection (2) or subsection (3) shall, as between trustees or as between any trustee and any beneficiary, be deemed to authorize a trustee to act otherwise than in accordance with the rules of law applicable in the case of that trustee and the terms of any instrument appointing him a trustee ; and neither the Government nor the corporation nor any person holding or acquiring any interest in any debentures shall, by reason only of any entry in the register of debentures, or of anything in any debenture or in any document or instrument relating thereto, be affected with notice of any trust or the fiduciary character of any debenture holder or of any fiduciary obligation attaching to the holder of any debenture.

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(5) In this section "trustee" includes the executor of the last will or the administrator of the estate of a deceased person, the curator of the property of a minor, the manager of the estate of a person of unsound mind and any person holding or intending to hold any debenture on behalf or for the benefit of any other person or body of persons.

OFFICERS OF THE CORPORATION

Appointment of officers.

35. (1) Subject as hereinafter provided, the board shall have power to appoint all such officers of the corporation (including the subordinate staff) as may from time to time be necessary for carrying on the business of the corporation:

Provided that the appointment of the general manager, assistant general manager, secretary and accountant of the corporation shall not be made without the previous approval in writing of the Minister.[3]

(2) For the purposes of subsection (1) and of sections 36 to 38, the expression "subordinate staff" includes only such officers of the corporation as are by the board deemed to be members of the subordinate staff.

Certain officers to furnish security.

36. Every officer of the corporation (not being a member of the subordinate staff) shall, if called upon to do so by the board, give security to the satisfaction of the board for the due and faithful performance of his duties.

Dismissal of officers.

37. No officer of the corporation (other than a member of the subordinate staff) shall be dismissed except on a resolution of the board passed by a majority of the directors for the time being and approved by the Minister.[3]

Delegation by board of powers, &c., to officers of corporation.

38. Subject to the approval of the Minister,[3] the board may in writing authorize the general manager or other officer of the corporation (not being a member of the subordinate staff) to exercise, perform, or discharge any power, duty or function conferred or

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[§ 2, 20 of 1943.] [§ 3, 39 of 1946.]

imposed upon or assigned to the board under any provision of this Ordinance other than a provision contained in any of the sections 22, 23, 24, 25, 26 or 56.

Provisions relating to losses caused to corporation or incurred by officers of corporation.

39. (1) No director or other officer of the corporation shall be liable for any damage or loss suffered by the corporation unless such damage or loss was caused by his misconduct or wilful default.

(2) Every director, auditor, manager, secretary or other officer of the corporation shall be indemnified by the corporation for all losses and expenses incurred by him in or about the discharge of his duties except such as the board may deem to have been occasioned by his misconduct or wilful default.

Declaration of secrecy.

40. Every director, manager, auditor, officer, servant, agent, accountant, or other person employed in the business of the corporation shall, before entering upon his duties, sign a declaration pledging himself to observe strict secrecy respecting all transactions of the corporation, its clients, and all matters relating to such transactions and shall by such declaration pledge himself not to reveal any other matters which may come to his knowledge in the discharge of his duties, except—

(*a*) when required so to do—

(i) by the directors, or

(ii) by a court of law, or

(iii) by the person to whom such matters relate ;

(*b*) in the performance of his duties ; and

(*c*) in order to comply with any of the provisions of this Ordinance or any other law.

Right to refuse to answer questions.

41. Every director, auditor, manager, secretary, or other officer of the corporation shall, except when required to do so by a court or by any law, decline to answer any question concerning the business of the

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corporation which may be put to him on any occasion whatsoever, if he considers that the answer to such question would disclose or tend to disclose any secret of the corporation or the business or affairs of any client of the corporation.

ACCOUNTS AND AUDIT

Accounts of the corporation.

42. (1) The board shall cause the accounts of the corporation to be kept in such form and in such manner as may be prescribed.

(2) The books of account of the corporation shall be kept at the head office of the corporation or at such other place or places as the board may determine.

Profit and loss account and balance sheet for each year.

43. (1) The board shall cause the books of the corporation to be balanced on the thirtieth day of September in each year, and shall, as soon as may be thereafter, cause to be prepared a profit and loss account and a balance sheet containing a summary of the assets and liabilities of the corporation made up to the date aforesaid.

(2) The profit and loss account and the balance sheet shall be signed by a majority of the directors for the time being and by the general manager and the accountant of the corporation.

Contents of profit and loss account.

44. (1) The profit and loss account shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure distinguishing the expenses of establishment, remuneration of directors, salaries and other matters.

(2) Every item of expenditure fairly chargeable against the year's income shall be brought to account, and, in cases where any item of expenditure which may fairly be distributed over several years has been incurred in any one year, the whole amount of such

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item shall be shown and, where only a portion of such amount is charged against the income of the year, the reasons for not charging the whole of such amount shall be stated.

Report of directors.

45. Every profit and loss account and balance sheet shall be accompanied by a report, signed by a majority of the directors, as to the state and condition of the affairs of the corporation.

Audit of accounts.
[§ 2, 20 of 1943.]

46. The accounts of the corporation shall be audited each year by the Auditor-General (hereinafter referred to as "the auditor").

Auditor's report.

47. (1) The auditor shall examine the accounts of the corporation and ascertain the correctness of the balance sheet and report—

(*a*) whether he has or has not obtained all information and explanations required by him ; and

(*b*) whether, in his opinion, the accounts referred to in the report are properly drawn up so as to exhibit a true and correct view of the corporation's affairs according to the best of his information and the explanations given to him and as shown by the books of the corporation.

(2) The report of the auditor shall be transmitted by him to the board.

Powers of auditor.
[§ 2, 20 of 1943.]

48. For the purpose of performing his functions under section 47, the auditor shall have the same powers as a District Court—

(*a*) to enforce the attendance of any person and to examine any person on oath ;

(*b*) to enforce the production of any document ; and

(*c*) to issue commissions for the examination of any person on interrogatories or otherwise ;

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and the provisions of the Civil Procedure Code relating to the powers of a civil court in respect of the matters aforesaid shall apply accordingly.

Annual accounts with reports of directors and auditor to be transmitted to Minister.

49. The board shall, on receipt of the auditor's report in each year, transmit such report together with the profit and loss account and the balance sheet to which such report relates, and the report of the directors under section 45, to the Minister.[3]

Publication of accounts.

50. The profit and loss account and the balance sheet shall, together with the whole or such portions (if any) of the reports transmitted to the Minister[3] under section 49, as the Minister[3] may determine, be published in the Gazette.

PART II

Business Of The Corporation

GENERAL

Authorized business of the corporation.

51. (1) Subject to the provisions of this Ordinance, the corporation is authorized to carry on and transact the several kinds of business hereinafter specified, namely—

(*a*) to grant loans of money to any person for the purpose of—

(i) the purchase or lease, or the cultivation, development or improvement of any land used or to be used for any purpose of agriculture or for the exploitation of the mineral resources thereof ;

(ii) the purchase or lease, or the construction, repair or renewal of any building, factory, mill, mine, machinery or equipment used or to be used in connexion with any agricultural or industrial undertaking ;

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(iii) the manufacture or preparation of any agricultural or industrial product or commodity for sale in the market ;

(iv) any purpose incidental, accessary or ancillary to any purpose mentioned in any of the foregoing sub-paragraphs ;

(v) the liquidation of any debt already incurred for any purpose mentioned in any of the foregoing sub-paragraphs ;

(*b*) to grant loans of money to any co-operative society for the purpose of conducting any agricultural or industrial business ;

(*c*) to manage, supervise or control, with or without remuneration, or to participate in the management, supervision or control, with or without remuneration, of any agricultural or industrial undertaking of any client of the corporation, where such management, supervision or control, or such participation therein, appears to the board to be necessary in order to protect the interests of the corporation in any loan granted by the corporation ;

[§ 2, 20 of 1943.]

(*d*) to act, with or without remuneration, as the technical advisers of any client of the corporation, on any matter relating to any agricultural or industrial undertaking of such client ;

(*e*) to set up the necessary organization for selling or marketing any product or commodity of any agricultural or industrial undertaking of any client of the corporation ;

(*f*) to act as the agent of any client of the corporation for the purpose of the purchase of any machinery or equipment or of any material of any description, required for the purpose of any agricultural or industrial undertaking of such client ;

[§ 2, 20 of 1943.]

(*g*) for the purpose of employing any surplus funds of the corporation, to buy, sell, invest or deal in stocks, shares, debentures, mortgages, bonds

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or securities issued or guaranteed by the Government of Ceylon or by the Government of any other country which is a member of the Commonwealth or any public authority registered or having its principal place of business in Ceylon ;

(*h*) to make arrangements for the insurance of any property mortgaged to the corporation by any client of the corporation ;

(*i*) to acquire and undertake the whole or any part of any business carried on in Ceylon by any person, being a business which the corporation is authorized to carry on ; [§ 2, 20 of 1943.]

(*j*) to purchase, take on lease or in exchange, hire or otherwise acquire any movable or immovable property and any rights or privileges which the corporation may think necessary or convenient with reference to any business which the corporation is authorized to carry on, or the acquisition of which the corporation may deem to be necessary or advisable in order to facilitate the realization of any securities held by the corporation, or to prevent or diminish any apprehended loss or liability ;

(*k*) to establish and support or aid in the establishment and support of associations, institutions, trusts or schemes for the providing of pensions and of gratuities and other funds and conveniences calculated to benefit employees or ex-employees of the corporation or the dependants or connexions of such employees or ex-employees ;

(*l*) to improve, manage, develop, exchange, lease, mortgage, dispose of, sell, turn to account or otherwise deal with all or any part of the property and rights of the corporation, including any property, movable or immovable, on the security of which the corporation may have made any loan or over which the corporation may have any power of disposal ;

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(*m*) to give any guarantee or indemnity and to enter into any arrangements with the Government or any local authority or with any body corporate or other person, in order to obtain any rights, concessions and privileges that may seem to the corporation to be conducive to any object of the corporation ;

[§ 3, 4 of 1950.] (*n*) to grant loans of money to any person for the purpose of carrying out any scheme approved by the Minister of Finance for the development of agriculture or industry ;

[§ 2, 20 of 1943.] (*o*) generally to take or concur in taking all such steps and proceedings as the corporation may deem to be best calculated to uphold and support the credit of the corporation and to obtain and justify public confidence, and to do all things incidental or conducive to the attainment of the objects, or the exercise of the powers, set out in the preceding paragraphs.

(2) Any object mentioned in any paragraph of subsection (1) shall not, except where the context expressly so requires or where any limitation or restriction has been prescribed, be in any way limited or restricted by reference to or inference from the terms of any other paragraph of that subsection or the objects therein specified, or otherwise.

[§ 2, 20 of 1943.] (3) In this section, "client of the corporation" means a person to whom the corporation has lent any money in accordance with the provisions of this Ordinance.

PROVISIONS RELATING TO ALL LOANS BY THE CORPORATION

Refusal to consider applications in certain cases.

52. Where any person has applied to the corporation for a loan of money and it appears to the board that the case is one in which the application should more appropriately be made to the Ceylon State Mortgage Bank, the board shall refuse to consider the application:

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Provided that the refusal by the board to consider any application made by any person shall not be deemed or construed to prevent the making of a fresh application to the corporation by that person.

No loans to be given except on certain securities.

53. Subject as hereinafter provided, no loan of money shall be granted unless its repayment is secured—

(*a*) by a primary mortgage of immovable property in Ceylon ; or

(*b*) by a primary mortgage of movable property in Ceylon ; or

(*c*) by a mortgage of the crops or farming stock of any agricultural land in Ceylon, in accordance with any written law now in force or hereafter to be enacted which is applicable to the corporation,

and until the instrument effecting such mortgage has been duly registered :

Provided that where a loan has been granted by the corporation on the primary mortgage of any property, movable or immovable, and that property is not encumbered by any mortgage to any person other than the corporation, an additional loan may, subject to the other provisions of this Ordinance relating to loans, be granted on the security of a secondary mortgage of that property.

Further restrictions regarding security for loans, &c.

54. No loan shall be granted unless the board shall first—

(*a*) have estimated the value of the property offered as security for the loan, due regard being had to the market value of each property, the income derived from it at the time the value is estimated and the income likely to be derived from it in the future, the possibility

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of its depreciation in value in the future, the risks incidental to a forced sale, and any other circumstances which in the opinion of the board may affect the value of such property ;

(*b*) have satisfied itself that the amount of the loan to be granted on the security of such property, together with such amount, if any, as may be outstanding in respect of any earlier loan on the security of the same property, does not exceed such proportion of the value of the property as so estimated as the board may from time to time prescribe ;

(*c*) have satisfied itself that the borrower has a valid title to the property offered as security ;

(*d*) have satisfied itself that the purpose for which the loan is required is one for which loans may be made under this Ordinance by the corporation ; and

(*e*) have satisfied itself that there is no other good or valid reason why the loan should not be granted.

Rate of interest on loans.

55. No loan of any amount or for any purpose shall be granted at a rate of interest lower than such rate as may from time to time be fixed by the board and approved by the Minister [3] for loans of that amount, or for loans for that purpose or a similar kind or class of purpose, as the case may be.

Loan not to be granted except upon resolution.

56. No loan shall be granted except upon a resolution by the board, and no loan exceeding ten thousand rupees shall be granted except upon a resolution passed by the favourable votes of at least four directors.

Loan not to be granted to certain classes of persons.

57. No loan shall be granted to any director, or to any parent, wife, brother, sister, child or stepchild of any director, nor, except with the approval of a two-thirds majority of the directors for the time being, to

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any firm, company, or corporation of which a director or the wife of a director is a partner, director or shareholder or in which a director or the wife of a director is in any way directly interested.

Withdrawal of grant of a loan.

58. At any time after the grant of a loan has been approved by the board and before the actual payment of the money, the board may, in its discretion and without assigning any reason therefor, cancel the grant of the loan or modify the conditions on which the loan is to be made or withhold payment of the whole or any portion of the money.

Power of board to investigate purpose to which loan is applied.

59. The board may call upon any person to whom a loan has been granted to satisfy the board that the loan has been or is being applied to the purpose for which it was granted, and the person so called upon may adduce evidence before the board or any director authorized by the board to take such evidence, to prove that the loan has been or is being applied for such purpose.

Power of board to require additional security or recall loan.

60. (1) The board may at any time, in its discretion and without assigning any reason therefor, by written order direct—

(*a*) that additional security to the satisfaction of the board be provided in respect of any loan before a date fixed by the board,

(*b*) that any loan be repaid, either in full or in part, before a date fixed by the board.

(2) Where an order issued under subsection (1) is not complied with before the date fixed by the board, default shall be deemed to be made in respect of the whole of the unpaid portion of the loan and the interest due thereon up to date and, where the loan was granted on the mortgage of any immovable property, the provisions of sections 68 to 84 shall apply accordingly.

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Change of security.

61. The board may accept new security in lieu of the whole or any part of any security it has already accepted for any loan, if the security tendered in substitution is such that the board would be entitled to accept it, either alone or together with any portion of the original security which is to remain, as security for a new loan of an amount equal to the total principal and interest still outstanding on account of the original loan.

Mode of repayment of loans.

62. Every loan shall be repaid by instalments or equated payments of such amounts, and made at such intervals, as the board may direct or in such other manner as the board may determine.

Registered address of borrower, &c.

63. Every person—

(*a*) to whom a loan is granted by the corporation ; or

(*b*) who has obtained probate of the will or letters of administration to the estate of a person to whom a loan has been granted by the corporation or who has, under the provisions of section 72, been appointed to represent the estate of a deceased borrower ; or

(*c*) to whom any right, title or interest whatsoever in any property, or in any part of any property, movable or immovable, mortgaged to the corporation as security for any loan has passed, whether by voluntary conveyance or by operation of law,

shall register with the corporation an address to which all notices to him may be addressed.

Service of notice on borrower, &c.

64. Any notice which is required under this Ordinance to be served on any person to whom the provisions of section 63 apply shall be deemed to have been duly served on that person if it is sent by post in a registered letter directed to that person at the

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address registered by him under that section, and the service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post :

Provided that where any such person fails to register his address under that section, the corporation shall publish, in the Gazette and in a daily newspaper, a notice addressed to him and such notice shall be deemed to be duly given to that person on the day on which such notice is published.

PROVISIONS RELATING TO LOANS BY THE CORPORATION ON THE SECURITY OF IMMOVABLE PROPERTY

Priority of charge created by loan made by corporation.

65. Where a loan is granted by the corporation on the mortgage of any immovable property, that property shall from and after the date of the registration of such mortgage be charged with the payment of the loan with interest in priority to every other debt, mortgage or charge affecting it, except a debt which is secured by a mortgage duly registered prior to such date and which is due to a creditor who in good faith advanced the money before the loan was granted by the corporation.

Form of mortgage of immovable property.

66. (1) Every mortgage of immovable property executed in favour of the corporation as security for any loan of money shall be substantially in the form A in the Schedule.

(2) Any such mortgage may include a covenant that a higher rate of interest than that on which the loan was granted shall be paid if the borrower fails or neglects to make any payment due on account of interest, principal or otherwise under the mortgage, in full and on the due date.

Default of payment.

67. Where default is made in the payment of any sum due on any loan granted on the mortgage of immovable property, whether that sum is due on account of principal or interest or of both, default shall be deemed to have been made in respect of the whole of the unpaid portion of that loan and the interest due thereon up to date.

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Action by board where default is made.

68. Where under the provisions of this Ordinance, default is made or deemed to have been made in respect of the whole of the unpaid portion of any loan and the interest due thereon, the board may, in its discretion, take action as specified either in section 69 or in section 71 :

Provided that where the board has in any case taken action, or commenced to take action, in accordance with section 69, nothing shall be deemed to prevent the board at any time from subsequently taking action in that case by resolution under section 71 if the board deems it necessary or advisable to do so.

Authorization of manager to take possession of mortgaged property.

69. Subject to the provisions of section 72, the board may by resolution to be recorded in writing authorize any person specified in the resolution to enter upon any immovable property mortgaged to the corporation as security for any loan in respect of which default has been made, to take possession of and to manage and maintain such property, and to exercise the same powers in the control and management of such property as might have been exercised by the mortgagor if he had not made default.

Procedure where manager is appointed.

70. (1) Any person authorized by resolution of the board under section 69 in respect of any property shall be entitled generally to take action in terms of the resolution and in particular—

(*a*) to sell the produce of such property ;

(*b*) to receive the rents, profits or other income from such property ;

(*c*) to pay the expenses incurred in the control and management of such property out of the income from such property ;

(*d*) to appropriate to himself out of such income such sum (if any) as the board may deem fit to fix as remuneration for his services ;

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(*e*) to remain in possession of such property until all moneys due to the corporation under the mortgage on such property have been fully paid or until he is directed by the board to yield possession of such property under subsection (2).

(2) Every person authorized by resolution of the board under section 69 in respect of any property shall—

(*a*) pay monthly, out of the income of such property such sum (if any) as the board may in its discretion fix, to the mortgagor for his maintenance;

(*b*) pay quarterly or as otherwise directed by the board to such person or persons and in such manner as the board may direct the balance of the income from such property remaining after the payments herein before authorized have been made;

(*c*) keep and render to the board at such intervals as the board may determine, clear and accurate records of all sums received or paid out by him in respect of such property;

(*d*) yield possession of such property to the mortgagor or some other person as directed by the board and pay to the board any balance of the income from such property remaining in his hands after the payments herein before authorized have been made.

(3) The board shall when all sums due to the corporation under the mortgage have been fully paid surrender possession of the mortgaged property to the mortgagor and return to him any balance remaining of the income from such property.

Authorization of sale of mortgaged property.

71. Subject to the provisions of section 72 the board may by resolution to be recorded in writing authorize any person specified in the resolution to sell by public auction any immovable property mortgaged to the corporation as security for any loan in respect of which default has been made in order to recover the whole of

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the unpaid portion of such loan, and the interest due thereon up to the date of the sale, together with the moneys and costs recoverable under section 78.

Where borrower is dead.

72. (1) Save as otherwise provided in subsection (2), the provisions of sections 69 and 71 shall apply in the case of any default notwithstanding that the borrower may have died or that any right, title or interest whatsoever in the property mortgaged as security for the loan may have passed by voluntary conveyance or by operation of law to any other person.

(2) Where the borrower is dead and probate of his will or letters of administration to his estate have not been issued, the District Court of Colombo or the District Court of the district in which that property is situate may, upon application made in that behalf by the board and after service of notice of the application on such persons, if any, as the court may order, and if satisfied that the grant of probate or the issue of letters of administration is likely to be unduly delayed, appoint a person to represent the estate of the borrower for the purposes of this section ; and the provisions of sections 69 and 71 shall not apply in the case of any default made by the borrower unless and until a representative of his estate is appointed under this section.

Notice of resolution of board to sell mortgaged property.

73. Notice of every resolution under section 71 authorizing the sale of any property shall be published in the Gazette and in a daily newspaper printed in English and copies of such notice shall be served on the borrower, if he is alive, and on every person who has, in respect of that property, registered his address under section 63.

Notice of sale.

74. Notice of the date, time and place of every sale shall, not less than fourteen days before the date fixed for the sale, be published in the Gazette and copies of such notice shall be—

(*a*) served on the borrower, if he is alive, and on every person on whom notice of any resolution is required to be served under section 73 ;

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(b) posted on or near the property which is to be sold ; and

(c) affixed to the walls of the kachcheri and the several District Courts and Magistrates' Courts within the jurisdiction of which the property is situate.

Payment before sale.

75. (1) If the amount of the whole of the unpaid portion of the loan (together with all interest due thereon according to the terms of the mortgage), and of the moneys and costs, if any, recoverable by the board under section 78 is tendered to the board at any time before the date fixed for the sale, the property shall not be sold and no further steps shall be taken in pursuance of the resolution under section 71 for the sale of that property.

(2) If the amount of the instalment or other payment in respect of which default has been made, together with any interest due thereon according to the terms of the mortgage, and of the moneys and costs, if any, recoverable by the board under section 78, is tendered to the board at any time before the date fixed for the sale, the board may, in its discretion, direct that the property shall not be sold, and that no further steps shall be taken in pursuance of the resolution under section 71 for the sale of that property.

Upset price.

76. The board may fix an upset price below which the property shall not be sold to any person other than the corporation.

Default in respect of one of several loans on same property.

77. In any case where two or more loans have been granted by the corporation on the security of the same property and default is made in the payment of any sum due upon any one or more of such loans, the foregoing provisions of this Ordinance shall apply notwithstanding that default may not have been made in respect of the other loan or any of the other loans, and the board may, in any such case, by resolution under section 71 authorize the sale of the property for the

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recovery of the total amount due to the corporation in respect of both or all the loans, as the case may be, and the provisions of this Ordinance shall apply accordingly.

Recovery of expenses and costs incurred by the corporation.

78. In addition to the amount due on any loan, the board may recover from the borrower, or any person acting on his behalf—

(*a*) all moneys expended by the corporation in accordance with the covenants contained in the mortgage bond executed by the person to whom the loan was made, in the payment of premiums and other charges in respect of any policy of insurance effected on the property mortgaged to the corporation, and in the payment of all other costs and charges authorized to be incurred by the corporation, under the covenants contained in such mortgage bond ; and

(*b*) the costs of advertising the sale and of selling the mortgaged property :

Provided that the costs incurred under this paragraph shall not exceed such percentage of the loan as may from time to time be fixed by resolution of the board.

[§ 2, 20 of 1943.]

Payment of excess balance.

79. If the mortgaged property is sold, the board shall, after deducting from the proceeds of the sale the amount due on the mortgage and the money and costs recoverable under section 78, pay the balance remaining, if any, either to the borrower or any person legally entitled to accept the payments due to the borrower, or, where the board is in doubt as to whom the money should be paid, into the District Court of the district in which the mortgaged property is situate.

Certificate of sale.

80. (1) If the mortgaged property is sold, the board shall sign a certificate of sale and thereupon all the right, title and interest of the borrower to and in the property shall vest in the purchaser ; and thereafter it shall not be competent for any person claiming through or under any disposition whatsoever of the right, title

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or interest of the borrower to and in the property, made or registered after the date of the mortgage of the property to the corporation, in any court to move to invalidate the sale for any cause whatsoever or to maintain any right, title or interest to or in the property as against the purchaser.

(2) A certificate signed by the board under subsection (1) shall be conclusive proof, with respect to the sale of any property, that all the provisions of this Ordinance relating to the sale of that property have been complied with.

(3) If the purchaser is some person other than the corporation, the certificate shall be substantially in the form B in the Schedule and, if the purchaser is the corporation, the certificate shall be substantially in the form C in that Schedule.

(4) Every certificate of sale shall be liable to stamp duty and charges as if it were a conveyance of immovable property and to any registration and other charges authorized by law, all of which shall be payable by the purchaser.

Order for delivery of possession.

81. (1) The purchaser of any immovable property sold in pursuance of the preceding provisions of this Ordinance shall, upon application made to the District Court of Colombo or the District Court having jurisdiction over the place where that property is situate, and upon production of the certificate of sale issued in respect of that property under section 80 be entitled to obtain an order for delivery of possession of that property.

(2) Every application under subsection (1) shall be made, and shall be disposed of, by way of summary procedure in accordance with the provisions of Chapter XXIV of the Civil Procedure Code; and on all documents filed for the purpose of each such application and on all proceedings held thereupon, stamp duties and other charges shall be payable at the respective rates payable under any written law for the time being in force, on applications for, and proceedings connected with or incidental to, the execution of

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a decree of a District Court for the delivery of possession of any immovable property of the same value as the land to which such application relates.

(3) Where any immovable property sold in pursuance of the preceding provisions of this Ordinance is in the occupancy of the debtor or of some person on his behalf or of some person claiming under a title created by the debtor subsequently to the mortgage of the property to the corporation, the District Court shall order delivery to be made by putting the purchaser, or any person whom he may appoint to receive possession on his behalf, in possession of the property.

(4) Where any immovable property sold in pursuance of the preceding provisions of this Ordinance is in the occupancy of a tenant or other person entitled to occupy the same, the District Court shall order delivery to be made by affixing a notice that the sale has taken place, in English and in the Sinhalese and Tamil languages, in some conspicuous place on the property, and proclaiming to the occupant by beat of tom-tom, or in such other mode as may be customary, at some convenient place, that the interest of the debtor has been transferred to the purchaser. The cost of such proclamation shall be fixed by the court and shall in every case be prepaid by the purchaser.

(5) Every order under subsection (3) or subsection (4) shall be deemed, as the case may be, to be an order for delivery of possession made under section 287 or 288 of the Civil Procedure Code, and may be enforced in like manner as an order so made, the debtor and the purchaser being deemed, for the purpose of the application of any provision of that Code, to be the judgment-debtor and judgment-creditor, respectively.

Cancellation of sale.

82. Where the property sold has been purchased on behalf of the corporation, the board may at any time before it resells that property, cancel the sale by an endorsement to that effect on a certified copy of the certificate of sale, upon the debtor or any person on his behalf paying the amount due in respect of the loan for which the property was sold (including the costs of seizure and sale) and interest on the aggregate sum at a rate not exceeding the prescribed rate. Such an

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endorsement shall, upon registration in the office of the Registrar of Lands, revest the property in the debtor as though the sale under this Ordinance had not been made.

Resale by corporation.

83. If the property so sold has been purchased on behalf of the corporation, and the sale is not cancelled under section 82, the board may, at any time, resell the property and transfer to the purchaser by endorsement on a certified copy of the certificate referred to in subsection (3) of section 80, all the right, title and interest which would have been acquired by the purchaser at the original sale. The endorsement shall be liable to the same stamp duty and charges as a certificate to a purchaser at the original sale, and shall, when it is registered in the office of the Registrar of Lands, vest such right, title and interest as aforesaid in the purchaser.

Board not precluded from other methods of recovery.

84. Nothing in sections 68 to 83 shall be deemed to preclude the board from recovering the amount due on any mortgage bond in accordance with the provisions of any other written law.

Power of board to inspect valuation rolls of local rating or taxing authority.

85. For the purpose of deciding whether any immovable property tendered as security for a loan should or should not be accepted, the board shall have access without fee or charge to the valuation roll of any local rating or taxing authority, and the officers of every such authority shall upon application supply to the board full particulars as to any valuation of property in respect of which such authority is empowered under the provisions of any law to levy any rate or tax.

PART III

General

RULES

Rules made by the board.

86. (1) The board may make rules for or in respect of all or any one or more of the following matters :—

(*a*) all matters stated or required by this Ordinance to be prescribed ;

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(*b*) the payment and recovery of fees to be paid by applicants for loans in respect of the valuation of property offered as security, the examination of the applicant's title to any such property, the preparation, perfection and registration of mortgage bonds and other instruments and of any other service performed by any person acting on behalf of the corporation in connexion with applications for loans ;

(*c*) the payment and recovery of fees and other charges in respect of any work done or any service rendered by or on behalf of the corporation in the transaction of any business under this Ordinance ;

(*d*) the forms to be used by the corporation, or by any person transacting business with the corporation under this Ordinance ;

(*e*) the powers, duties and functions of the various officers and employees of the corporation ;

(*f*) the payment from the funds of the corporation of remuneration (including allowances for travelling) to officers and employees of the corporation or to other persons performing services for the corporation in the transaction of any business under this Ordinance, and the scales in accordance with which such payment shall be made ;

(*g*) the issue, registration, transfer, redemption, (including compulsory redemption) and cancellation of debentures, and all matters incidental to or consequential upon such issue, registration, transfer, redemption or cancellation ;

(*h*) the mode and manner of payment of interest on debentures ;

(*i*) the issue of debentures in the names of minors or to any particular classes of persons, and the mode and manner of payment of interest on debentures so issued ;

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(*j*) the payment of a higher rate of interest than that on which any loan is granted in cases where the borrower has failed or neglected to make any payment due to the corporation on account of interest, principal or otherwise, in full and on the due date ;

(*k*) all other matters not herein specially mentioned which may be necessary for the conduct of business by the corporation, the regulation of its funds, the prevention of the evasion or violation by any person of any provision of this Ordinance, and generally for fully and efficiently carrying out or giving effect to the objects and purposes of the corporation.

[§ 2, 20 of 1943.]

(2) All rules made under subsection (1), (other than a rule made under paragraph (*e*) or paragraph (*f*) of that subsection), shall be submitted to the Minister [3] for ratification and, when ratified, shall be published in the Gazette together with a notification of such ratification.

[§ 2, 20 of 1943.]

(3) Every rule made under subsection (1), (other than a rule made under paragraph (*e*) or paragraph (*f*) of that subsection), shall, upon notification in the Gazette of the ratification of such rule by the Minister,[3] be as valid and effectual as if it were herein enacted.

[§ 2, 20 of 1943.]

(4) Every rule made under paragraph (*e*) or paragraph (*f*) of subsection (1) shall be submitted to the Minister [3] for ratification and, when ratified, shall be as valid and effectual as if it were herein enacted.

MISCELLANEOUS

Contracts, &c., on behalf of the corporation.

87. No person other than the directors and persons thereunto expressly authorized by the board and acting within the limits of the authority so conferred on them shall have any authority to enter into any contract so as to impose thereby any liability on the corporation or otherwise to pledge the credit of the corporation, or to

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make, draw, accept or indorse any promissory note, bill of exchange, cheque or order for the payment of money in the name or on behalf of the corporation.

Execution of deeds abroad.

88. (1) The corporation may, by writing under its common seal, empower any person either generally or in respect of any specific matter, as its attorney, to execute deeds on its behalf in any place not situate in Ceylon.

(2) A deed signed by such an attorney on behalf of the corporation and under his signature or seal shall bind the corporation and have the same effect as if it were under its common seal.

Receipts on behalf of corporation.

89. A receipt signed by two directors or by any person expressly authorized by the board to give receipts shall be an effectual discharge for moneys paid to the corporation.

Common seal of corporation.

90. (1) The board shall from the funds of the corporation provide a common seal for the purposes of the corporation and may from time to time change such seal.

(2) The common seal shall be kept by such person and in such manner as the board may from time to time determine, and shall not be used except by the authority of the board and in the presence of at least two directors, who shall sign the document to which the seal is affixed.

Minister's powers to order investigation, winding up, &c.

91. The Minister[3] may at any time if it appears to him expedient so to do—

(*a*) direct any person or persons to inquire into and report to him upon the working and financial condition of the corporation ;

(*b*) direct that the affairs of the corporation be wound up ;

(*c*) issue such incidental, consequential or supplemental directions as may appear to him to be necessary for the purpose of giving effect to any direction issued by him under paragraph (*a*) or paragraph (*b*).

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Interpretation.

92. In this Ordinance, unless the context otherwise requires—

"agriculture" includes the breeding, rearing or keeping of animals of any kind (including birds and insects), dairying and the pasturing of animals, and cognate words shall be construed accordingly;

"board" means the board of directors of the corporation;

"corporation" means the Agricultural and Industrial Credit Corporation of Ceylon established under this Ordinance;

"director" means a person holding the office of a director of the corporation;

"prescribed" means prescribed by rules made under this Ordinance;

"rule" means a rule made by the board under this Ordinance.

SCHEDULE

[Section 66.]

Form A

MORTGAGE BOND

To all to whom these presents shall come:

———— of ———— (hereinafter called "the mortgagor") which expression shall, where the context so requires or admits, include the heirs, executors and administrators of the said ————,

Sends Greeting:

1. (*a*) Whereas the mortgagor is lawfully entitled to the land called ————, more fully described in the Schedule hereto.

(*b*) And whereas the said mortgagor has applied to the Agricultural and Industrial Credit Corporation of Ceylon (hereinafter called "the Corporation", which expression shall, where the context so requires, mean and include the persons deriving title from the Corporation) for a loan under the Agricultural and Industrial Credit Corporation Ordinance (hereinafter called "the Ordinance", which expression shall include any amendment thereof and any rules made thereunder) to be applied in or towards the following purposes, that is to say:—

(*a*) ———— (*b*) ———— and (*c*) ————.

(*c*) And whereas the Corporation has agreed to grant such loan to the mortgagor on having the repayment thereof with interest secured in the manner hereinafter appearing.

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2. Now this bond witnesseth as follows :—

(*a*) In pursuance of the said agreement and in consideration of the sum of ——— rupees now paid by the Corporation to the mortgagor (the receipt of which sum the mortgagor hereby acknowledges) the mortgagor is held and firmly bound to the Corporation in the said sum of ——— rupees lawful money of Ceylon and interest thereon at the rate of ——— rupees *per centum* per annum to be paid to the Corporation, for which payment to be well and truly made the mortgagor is firmly bound by these presents.

(*b*) And for further securing to the Corporation the payment of all the money payable by virtue of or in respect of these presents the mortgagor does hereby specially mortgage to the Corporation *[as a first or primary mortgage free from all encumbrances] *or* †[as a secondary mortgage] the land called ——— and in the First Schedule hereto fully described with all rights, privileges, easements, servitudes, and appurtenances whatsoever thereto belonging, or in anywise appertaining or used or enjoyed therewith, or reputed or known as part and parcel thereof, and all the estate, right, title, interest, property, claim, and demand whatsoever of the mortgagor in, to, out of, or upon, the said land.

** To be used in the case where money is lent on a primary mortgage.*

† To be used where the Corporation lends money on the secondary mortgage of a property which is already mortgaged to the Corporation.

(*c*) And for better securing the said mortgage the mortgagor does herewith deposit in the hands of the said Corporation the title deeds of the said property.

3. The mortgagor hereby covenants with the Corporation as follows :—

(*a*) *[That the land mortgaged by these presents is in no wise encumbered either by a prior charge, Fiscal's seizure, or claim and that the mortgagor will warrant and defend title to the said land against all other claimants whatsoever.]

Or

†[That the land mortgaged by these presents is subject to a primary mortgage in favour of the Corporation created by bond No. ——— dated ——— and attested by ———, Notary Public, and is not otherwise encumbered either by a prior charge, Fiscal's seizure or claim and that the mortgagor will warrant and defend title to the said land against all other claimants whatsoever, save and except the Corporation.]

(*b*) That the mortgagor will pay the said principal sum of rupees ——— in instalments of not less than ——— rupees payable on the ——— day of ——— in each and every year, the first of such payments to be made on the ——— day of ———, and shall on the same dates pay all interest due on the said sum of rupees ——— or the balance thereof then outstanding at the rate of ——— *per centum* per annum or ——— in each and every year, the first of such payments to be made ——— rupees and interest in the instalments and on the date set out in the Second Schedule hereto. (*Retain only the appropriate alternative.*)

(*c*) That during the continuance of this security the mortgagor will pay and discharge and indemnify the Corporation against all rates, taxes, duties, charges, assessments, impositions, and outgoings whatsoever which shall be assessed, charged, or imposed upon, or payable in respect of, the

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mortgaged premises or any part thereof by the mortgagor, or the Corporation or a receiver in respect thereof and that if the mortgagor shall at any time refuse or neglect to make such payments or to deliver the receipt therefor to the Corporation on demand, the Corporation may pay the same, and all moneys expended by the Corporation under this provision shall be deemed to be properly paid by the Corporation.

(*d*) That the mortgagor will from time to time so long as money remains owing on this security well and substantially repair and keep in good and substantial repair and condition all buildings and other improvements erected and made upon the said land, and the Corporation may at all times be at liberty by itself, its agents or servants, to enter upon the said land to view and inspect the said buildings and improvements.

(*e*) That if the mortgagor fail or neglect to repair the said buildings and improvements or to keep them in good and substantial repair and condition as aforesaid, then and in any such case and as often as the same shall happen it shall be lawful for, but not obligatory upon, the Corporation, at the cost and expense in all things of the mortgagor, to repair the said buildings and improvements and keep them in good and substantial repair and condition.

(*f*) Insurance shall be effected as directed by the Corporation. Every policy of insurance so effected or renewal thereof shall be in the name of the Corporation.

(*g*) That all moneys expended by the Corporation in and about repairing or keeping in repair any of the said buildings and improvements as aforesaid, or in the insurance thereof, or in attempting to exercise or enforce any power, right, or remedy herein contained or implied in favour of the Corporation, shall be payable to the Corporation by the mortgagor on demand, and until paid shall be charged on the said land together with interest at the rate of not more than the appropriate rate fixed for the time being under the said Ordinance computed from the date or dates of such moneys being expended.

(*h*) That the mortgagor will at all times cultivate and manage the property mortgaged in a skilful and proper manner and according to the rules of good husbandry. Failure in the performance of this condition shall entail the immediate recovery of the loan should the Corporation so desire.

(*i*) That there shall be implied herein the power conferred upon the Corporation under the Ordinance to authorize any person to enter upon and take possession of the property mortgaged and to manage the same until all moneys due in respect of the said mortgage are fully paid and liquidated or until such earlier date as the Corporation may, in the exercise of any power under the Ordinance, determine, and that such powers and all incidental powers in that behalf conferred by the Ordinance may be exercised if and whenever the mortgagor makes default in the full and punctual payment of any instalment of interest or principal in accordance with the respective covenants for the payment thereof herein contained.

(*j*) That there shall be implied herein the power of sale and incidental powers in that behalf conferred upon the Corporation under the Ordinance, and that such powers may be exercised if and whenever the mortgagor makes default in the full and punctual payment of any instalment of interest

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or principal in accordance with the respective covenants for payment thereof herein contained or if and whenever the mortgagor makes default in the faithful observance and performance of any other covenant or conditions on his part herein contained or implied :

Provided, however, and it is hereby expressly agreed, that the Corporation may, in exercising the said power of sale and incidental powers as aforesaid (and by resolution of its Board of Directors to that effect published in the Gazette) sell any land mortgaged to it as security either in its entirety or in two or more separate blocks or in both such ways, at any public sale or sales held under the Ordinance.

(*k*) That if and whenever the mortgagor makes any such default as in the two covenants last preceding mentioned, it shall be lawful for the Corporation to call up and compel payment of all principal, interest, and other moneys for the time being owing under this security, notwithstanding that the time or times by these presents appointed for the payment thereof respectively may not have arrived.

4. Provided always that upon any sale under the power conferred by the Ordinance a purchaser shall not either before or after conveyance be concerned to see or inquire whether any default has been made in payment of any such instalment or be affected by any notice that no such default has occurred or that the sale is otherwise unnecessary or improper.

5. Provided that this bond is subject to the provisions of the Ordinance, and of any law replacing the same so far as they are capable of application to the exclusion of the common law governing mortgages.

Witnesses :————.

————

(*Notary's attestation.*)

The First Schedule above referred to :—

(*Particulars of the land mortgaged.*)

The Second Schedule

(*Table showing details of the number and amount of instalments to be paid.*)

———

[Section 80.]

Form B

FORM OF CERTIFICATE OF SALE WHERE THE CORPORATION IS NOT THE PURCHASER

Whereas the sum of ———— rupees is due to the Agricultural and Industrial Credit Corporation of Ceylon from ———— and the land called ———— hereinafter more fully described has been mortgaged by the said ———— on bond No. ———— dated ———— and attested by ————, Notary Public, as security for the payment of the aforesaid sum in the manner provided in the said bond :

And whereas a sum due in respect of the said bond has not been paid by or on behalf of the said ———— :

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And whereas the aforesaid land was sold in conformity with the Agricultural and Industrial Credit Corporation Ordinance on the ——— day of ——— and the same was purchased by ——— of ——— for the sum of ——— rupees, which has been duly paid by the said ———:

Now Know Ye that we, ——— (the Directors of the Agricultural and Industrial Credit Corporation of Ceylon) by virtue and in the exercise of the powers in us vested in this behalf by or under the Ordinance aforesaid do hereby certify that the following property to wit, ——— (*here insert full and accurate description of property with metes and bounds*), has been sold to ——— and purchased by the said ——— for the sum of ——— rupees, which he has duly paid, and that the said premises are and shall henceforward be vested in the said ———, his heirs, executors, administrators, and assigns.

Given under my hand this ——— day of ———, 19—.

(*Signed*)———.

Directors, the Agricultural and Industrial Credit Corporation of Ceylon.

Form C

[Section 80.]

FORM OF CERTIFICATE OF SALE WHERE THE CORPORATION IS THE PURCHASER

Whereas the sum of ——— rupees is due to the Agricultural and Industrial Credit Corporation of Ceylon from ——— and the land called ———, hereinafter more fully described, has been mortgaged by the said ——— on bond No. ——— dated ——— and attested by ———, Notary Public, as security for the payment of the aforesaid sum in the manner provided in the said bond:

And whereas a sum due in respect of the said bond has not been paid by or on behalf of the said ———:

And whereas the aforesaid land was sold in conformity with the Agricultural and Industrial Credit Corporation Ordinance on the ——— day of ——— and the same was purchased for and on behalf of the Agricultural and Industrial Credit Corporation of Ceylon by ——— for the sum of ——— rupees, which has been duly credited to the said Corporation, in part (*or* full, *as the case may be*) satisfaction, of the sum due as aforesaid:

Now Know Ye that we, ———, (the Directors of the said Corporation) by virtue and in the exercise of the powers in us vested in this behalf by or under the Ordinance aforesaid, do hereby certify that the following property, to wit, ——— (*here insert full and accurate description of the property with metes and bounds*) has been sold and purchased by the said ——— for and on behalf of the said Corporation for the sum of ——— rupees, and that the said premises are and shall henceforward be absolutely vested in the said Corporation.

Given under my hand this ——— day of ———, 19—.

(*Signed*)———.

Directors, the Agricultural and Industrial Credit Corporation of Ceylon.

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CHAPTER 403

CO-OPERATIVE FEDERAL BANK (FINANCIAL AID)

Ordinance No. 39 of 1947.

AN ORDINANCE TO PROVIDE FOR THE GRANT OF FINANCIAL AID BY WAY OF LOAN TO THE PROPOSED CO-OPERATIVE FEDERAL BANK OF CEYLON, LIMITED.

[*2nd July, 1947.*]

Preamble.

Whereas a co-operative society to be called and known as the Co-operative Federal Bank of Ceylon, Limited, is to be formed for the purpose of providing a central source of credit for the Co-operative Movement in Ceylon, of facilitating the investment of funds to be employed by the bank in the furtherance of that movement, and of acting as a balancing medium for the surplus funds of member societies :

And whereas it is expedient that the Government should make a loan to be utilized by the bank for the furtherance of its objects :

Now therefore be it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as the Co-operative Federal Bank of Ceylon, Limited, (Financial Aid) Ordinance.

Financial aid to Co-operative Federal Bank.

2. (1) As soon as may be after the Co-operative Federal Bank of Ceylon, Limited, (hereinafter referred to as "the Bank") is registered as a society under section 6 of the Co-operative Societies Ordinance, and the certificate of registration signed by the Registrar of Co-operative Societies is issued in respect of that society, the Government shall deposit with the bank a sum of two million rupees.

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(2) Whenever a resolution is passed in that behalf by the House of Representatives,[1] the Government shall deposit with the bank such further sum or sums as may be specified in the resolution.

Nomination of chairman of the bank.

3. (1) The Minister[1] shall nominate a person, by name or by office, to be the first chairman of the bank and of the governing body thereof; and so long as any sum remains deposited with the bank under this Ordinance such person, or such other person as may from time to time be nominated in that behalf by the Minister, shall be the chairman of the bank and of the governing body thereof.

(2) All the powers (including the right to vote), duties and functions conferred or imposed upon or assigned to the chairman by the Co-operative Societies Ordinance or the by-laws of the bank shall be exercised, performed and discharged by the person nominated under subsection (1), but save as herein before provided such person shall not be deemed for any purpose to be a member of the bank.

(3) In the absence of the person nominated under subsection (1) from any meeting of the bank or the governing body thereof, such other person as may be authorized by him in writing in that behalf shall act as chairman of such meeting and may exercise all the powers and functions of the nominated chairman.

Repayment of deposits, and payment of interest.

4. (1) The sum deposited under subsection (1) of section 2 shall be repayable at the end of ten years from the date of deposit:

Provided, however, that the House of Representatives[1] may by resolution extend the time herein before fixed for repayment.

(2) No interest shall be payable upon the sum deposited under subsection (1) of section 2, in respect of the first five years immediately succeeding the date

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of the deposit; but interest upon such sum at the rate of one and a half *per centum* per annum shall be payable in respect of each succeeding year until the date of repayment:

Provided, however, that the House of Representatives [1] may by resolution reduce the rate of interest so payable or declare that interest shall not be payable in respect of any specified period.

(3) The House of Representatives [1] may, in any resolution under subsection (2) of section 2, include conditions specifying the date on which any sum deposited in accordance with that resolution shall be repayable by the bank, and the rate of interest, if any, to be paid during the whole or any specified part of the period commencing on the date of the deposit and ending on the date of repayment:

Provided, however, that the House of Representatives [1] may, by subsequent resolution, extend the time fixed for repayment or reduce the rate of interest so fixed or declare that interest shall not be payable in respect of any specified period.

(4) Where any sum is deposited with the bank in accordance with any resolution under subsection (2) of section 2, such sum shall be repayable by the bank, and interest, if any, shall be payable by the bank, in accordance with the conditions in that behalf contained in that resolution or in any subsequent resolution under subsection (3) of this section.

Deposits to be made out of Consolidated Fund.

5. The Secretary to the Treasury [1] is hereby authorized and empowered to make or cause to be made out of the Consolidated Fund, [1] all deposits required by or under this Ordinance to be made with the bank.

Obligation of bank to carry percentage of deposit to reserve fund.

6. So long as interest is not payable on any sum deposited with the bank under the provisions of this Ordinance, an amount representing one and one-half *per centum* of such sum shall be carried annually to the reserve fund maintained by the bank as required

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by section 41 of the Co-operative Societies Ordinance, in addition to the amount required by that section to be carried to such fund.

Repayment of deposits to be charged on assets of bank.

7. So long as any sum remains deposited with the bank under this Ordinance, the repayment of such sum and the payment of any interest due thereon shall be a first charge on all property movable or immovable constituting the assets of the bank for the time being.

Saving as to time for repayment.

8. Nothing in the preceding provisions of this Ordinance shall be deemed to prevent the bank from repaying any sum deposited with the bank on any date earlier than the date on which such sum is declared by or under such preceding provisions to be repayable.

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CHAPTER 404

LOCAL LOANS

Ordinances
Nos. 22 of 1916,
6 of 1930,
25 of 1931,
43 of 1938,
21 of 1942,
Act
No. 29 of 1949.

AN ORDINANCE TO PROVIDE FACILITIES FOR THE GRANTING OF LOANS FOR LOCAL PURPOSES OF PUBLIC UTILITY.

[*5th August, 1916.*]

Short title.

1. This Ordinance may be cited as the Local Loans and Development Ordinance.

Commissioners.

2. (1) For the purposes of this Ordinance the Minister [1] may appoint a board of commissioners to be called "The Local Loans and Development Commissioners" (hereinafter referred to as "the commissioners").

(2) The commissioners shall be of such number, and shall be appointed subject to such conditions, as the Minister [1] may determine.

(3) The Deputy Secretary to the Treasury [1] for the time being shall be appointed a commissioner, and shall be chairman of the board.

(4) The commissioners from time to time so appointed, including all persons appointed to fill temporary and casual vacancies, shall constitute a body corporate, and shall have perpetual succession and a common seal, and may sue and be sued in the name of "The Local Loans and Development Commissioners".

Staff.

3. (1) The commissioners may from time to time appoint or employ a secretary, and such number of professional, clerical, or other officers as they may, with the consent of the Minister,[1] deem necessary, and may from time to time assign to any persons so appointed

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or employed by them such salary or remuneration as they, with the sanction of the Minister given with the concurrence of the Minister of Finance,[1] may think proper.

(2) No commissioner shall receive any remuneration in consideration of the discharge of his duties:

Provided that nothing in this subsection contained shall preclude any commissioner from receiving such travelling allowance or other expenses as may be sanctioned by regulations made under this Ordinance.

Duty of commissioners.

4. It shall be the duty of the commissioners out of the fund provided by this Ordinance from time to time, in accordance with the provisions of this Ordinance, to make loans for any of the purposes thereby authorized, on such terms as to security and repayment and otherwise as they may determine.

Assignment of existing loans.

5. (1) The Minister of Finance[1] may by Order notified in the Gazette assign to the commissioners any loan already granted by the Government to any person, society, or body of persons, or to any local authority, including any loan converted under section 30 of this Ordinance, and thereupon all sums due in respect of the said loans shall become payable to the commissioners on the same terms and conditions as those on which prior to such assignment they were payable to the Government, and all securities for the payment of such sums shall be enforceable in the same manner as if they had been given in respect of a loan under this Ordinance.

(2) Every such loan shall for the purposes of this Ordinance be deemed to be a loan under this Ordinance.

Loans to commissioners from the Consolidated Fund.
[§ 2, 29 of 1949.]

6. The Minister of Finance may, from time to time at the request of the commissioners, authorize the Deputy Secretary to the Treasury to lend to the commissioners, out of the Consolidated Fund, such sums

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as the Minister may direct, upon such terms as to the mode and time of repayment of any sum so lent and as to the interest payable thereon as the Minister may determine.

Expenses of Ordinance.

7. All expenses incurred by the commissioners in execution of this Ordinance shall be paid out of moneys provided by Parliament.[1]

Constitution of fund.

8. (1) For the purpose of this Ordinance there shall be constituted a fund to be called "The Local Loans and Development Fund" (hereinafter referred to as "the fund").

(2) There shall be paid into the fund—

(*a*) all such sums as may be appropriated to the fund by enactment or by resolution of the House of Representatives ; [1]

(*b*) all sums from time to time falling due in respect of any loan under this Ordinance ;

[§ 3, 43 of 1938.] (*c*) all such sums as may be lent to the commissioners under this Ordinance or any other written law ;

(*d*) all other sums which may in any other manner become payable to the commissioners in respect of any matter incidental to their powers and duties under this Ordinance.

(3) There shall be paid out of such fund—

(*a*) all such loans as may be granted by the commissioners ;

(*b*) all such sums in the way of contribution to the revenue of Ceylon as may from time to time be ordered by the Minister ; [1]

[§ 3, 43 of 1938.] (*c*) all such sums as may from time to time be payable, by way of principal or interest, on sums lent to the commissioners under this Ordinance or any other written law.

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Purposes of loans.

9. (1) The commissioners may out of the fund, from time to time as they think it expedient, make loans for the following purposes:—

(*a*) to any local authority for the purpose of any work of public utility which such authority may be authorized by law to undertake;

(*b*) to any society registered under the Co-operative Societies Ordinance, for any purpose of the society;

(*c*) to any Government officer for the purpose of building a house for his own residence; and

(*d*) to any person, body, or local authority, for any purpose of public utility that may be approved by the Minister. [1]

[§ 3, 21 of 1942.]

(2) Notwithstanding anything in subsection (1), the commissioners shall not make any loan to the Colombo Municipal Council under this Ordinance except with the prior approval of the Minister of Finance; [1] and such approval shall not be granted unless the Minister of Finance [1] is satisfied, upon report made to him by the commissioners, that the amount of the moneys available in the fund for other loans under this Ordinance will not be unduly diminished by reason of the grant of the loan proposed to be made to that Council.

[§ 3, 21 of 1942.]

(3) Notwithstanding anything in the preceding provisions of this section, the Minister [1] may at any time before the same shall have been advanced disallow any loan proposed by the commissioners to be made under this section.

Limits of borrowing powers.

10. Every loan to a local authority under this Ordinance shall be subject to the limits of the borrowing powers of such local authority under any general or other enactment regulating its powers and duties, and for the purpose of the application of the said limits a loan under this Ordinance shall be deemed to be raised under the authority of such enactment.

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Regulations.

11. The commissioners, subject to the approval of the Minister,[1] may make regulations for the following purposes:—

(*a*) the proceedings of the board and the transaction of its business;

(*b*) the custody and use of its common seal and the manner in which documents shall be executed on its behalf;

(*c*) the duties of its staff;

(*d*) the conditions as to interest, security, repayment, or otherwise on which loans shall be granted;

(*e*) generally for the exercise of its powers and the discharge of its duties under this Ordinance.

Minutes and proceedings.

12. (1) Any minute made of proceedings at meetings of the commissioners, if signed by any person purporting to be the chairman, either of the meeting of the commissioners at which such proceedings took place, or of the next ensuing meeting of the commissioners, shall be receivable in evidence in all legal proceedings, without further proof, and until the contrary is proved every meeting of the commissioners, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified to act.

(2) An act or proceeding of the commissioners shall not be questioned on account of any vacancy or vacancies in their body.

Report.

13. (1) The commissioners shall annually cause to be made out for every financial year a report of their transactions under this Ordinance during the year.

(2) Every such report shall contain such particulars as the Minister[1] may direct, and shall be published for general information in such manner as he may think fit.

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Audit.

14. (1) The accounts of the board shall once in every financial year be laid before Government and audited under its direction.

(2) The report of the auditor upon the accounts of the board, together with an abstract of the accounts, shall be published annually for public information in such manner as the Minister [1] shall direct.

Security for loans.

15. (1) Before advancing any money on account of a loan, the commissioners shall take security for the repayment of the loan with the interest thereon, consisting of—

(*a*) a mortgage of immovable property ; or

(*b*) a mortgage of any rate or tax, together with (save as hereinafter provided) a personal security.

(2) The commissioners may, if they think fit, dispense with personal security in any case in which in their opinion the mortgaged property or rate is sufficient security for the payment of the principal and interest of the loan within the stipulated period.

(3) The commissioners may, if they think fit, in the case of any society registered under the Co-operative Societies Ordinance dispense with any security other than an obligation binding upon the society and its members.

Power of local authority to mortgage rate or tax.

16. (1) For the purpose of providing security for any loan under this Ordinance, a local authority may, with the approval of the Minister, [1] mortgage to the commissioners any rate or tax which the authority is by law authorized to make or impose, for such period as may be agreed upon.

(2) Where a loan is granted by the commissioners on the security of a mortgage of any rate or tax, whether with or without any other security, such rate or tax, from and after the date of the mortgage, shall be charged with the payment to the use of Her Majesty of the loan with interest as in the mortgage mentioned.

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Charge on property and priority of loan.

17. Where a loan is granted by the commissioners on the security of a mortgage of any property, whether with or without any other security, the property from and after the date of the mortgage shall be charged with the payment to the use of Her Majesty of the loan with interest as in the mortgage mentioned, in priority, save so far as otherwise specified in the mortgage, over every other debt, mortgage, or charge whatsoever affecting the property, except any loan due to any creditor not assenting to such priority which has been advanced in good faith before the loan advanced by the commissioners and secured by a duly registered mortgage of the property executed to a person who is entitled as a bona fide creditor to the repayment thereof with interest :

Provided that if there is more than one such creditor, and not less than four-fifths in value of such creditors consent in writing that the said charge shall have priority over the loans and mortgages of such creditors, in such case the loans and mortgages of all such creditors, as well those who have not agreed as those who have agreed, shall be postponed to the loan granted by the commissioners and to the said charge thereof, and to the security for the same.

Power where rate or tax in default.

18. (1) Where any loan under this Ordinance is secured by the mortgage of any rate or tax, whether with or without any other security, and default is made in making payment according to the terms of mortgage, it shall be lawful to the Minister,[1] without prejudice to any remedy, to appoint an officer with the powers following :—

(*a*) to make any rate or impose any tax which the local authority may make or impose for the purpose of fulfilling its obligations under the mortgage ;

(*b*) to receive and collect the proceeds of any rate or tax so made or imposed, or made or imposed by the local authority, and to pay such proceeds or so much thereof as the commissioners may require, for the purpose of defraying the amount due under the mortgage.

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(2) Every officer so appointed shall have and may exercise the same powers, authorities, and duties as if he had been appointed by the local authority, and it shall be the duty of all officers of the local authority to give to such officer all such assistance as he may require for the purposes aforesaid.

(3) Every such officer in making an estimate of the rate or tax to be made or imposed under this section may add such sum as he may think sufficient for defraying all costs, charges, and expenses, including remuneration to any officer or other person employed, incurred by such officer in the execution of his powers under this section, or otherwise incurred by the commissioners by reason of the default in payment.

Loans by commissioners a Crown debt.

19. Every sum payable to the commissioners in pursuance of any loan under this Ordinance shall be deemed to be payable to the use of Her Majesty, Her Heirs and Successors, and may be recovered in the same manner as a debt to the Crown under the Crown Debtors Ordinance.

Security for completion of works partly finished or not commenced.

20. Where the commissioners grant a loan in aid of any work which is either partly completed or not commenced, they may by a bond to Her Majesty or otherwise take such security for the application of the loan to the work, and for the due completion of the work, including the raising of sufficient funds for that purpose, as they may think sufficient for securing the interest of the public.

Examination as to proper application of moneys lent.

21. (1) Where a loan under this Ordinance has been advanced for any purpose on the security of any rate or tax, it shall be the duty of the commissioners to satisfy themselves that the loan is applied to such purpose, and they may from time to time make such examination as they may think necessary with a view to ascertain that such loan has been so applied.

(2) For the purpose aforesaid the commissioners may appoint any officer to conduct on their behalf any examination under this section, and such officer shall

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have the same powers to require the attendance of persons and the production of accounts and other documents, so far as such attendance or production is required for the purpose of such examination, as a District Judge has in relation to matters within his jurisdiction.

Order of commissioners upon examination.

22. (1) Where upon any examination made in pursuance of section 21 it appears to the commissioners that any sum being the whole or part of the money raised by the loan has not been applied for the said purpose, the commissioners may order that sum to be, within the time named in the order, applied either for the said purpose or towards the repayment to the commissioners of the principal of the loan, or partly in one of such ways and partly in the other; and further, if it appears to them that the sum or any part thereof has been applied for some purpose other than that for which it was advanced, may by the same or any other order direct a sum equal to the amount so misapplied to be raised within the time and out of the fund, rate, or tax named in the order, and to be applied as directed by the order.

(2) An order made by the commissioners in pursuance of this section may be enforced by writ of mandamus.

Misapplication of loan.

23. (1) If any loan or any part of any loan advanced under this Ordinance shall be applied to any purpose other than that provided for in the mortgage, the commissioners may, without prejudice to any other remedy provided by this Ordinance, by notice in writing addressed to the mortgagor, recall the said loan or any part thereof, and may require the same, or such part thereof, to be repaid on such date as may be specified in the notice, and any security given for the purpose of the loan shall be enforceable accordingly.

(2) If any mortgagor to whom any loan shall have been advanced under this Ordinance, or any person entrusted, or purporting to be entrusted, with the same or any part thereof, or with the application of the same

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or any part thereof, shall apply the same to any purpose other than that provided for in the mortgage, every such person—

(*a*) unless he proves that he acted in good faith and without knowledge that he was not entitled so to apply the same, shall be guilty of an offence and shall be liable, in addition to any civil liability, to a fine not exceeding the amount so misapplied ;

(*b*) if he shall have acted wilfully and knowingly, shall be guilty of the offence of criminal breach of trust, and shall be liable to the punishment prescribed therefor.

Enforcement of securities.

24. Where any immovable property mortgaged as security for a loan granted under this Ordinance is sold for the purpose of the enforcement of the security, the commissioners may buy any such property at the sale, and may manage the same in accordance with regulations made under this Ordinance, and may sell or otherwise dispose of the same in such manner as they may think fit.

Power to administer oaths.

25. (1) The commissioners may examine any persons willing to be examined on any matters connected with the execution of this Ordinance, and may for that purpose or otherwise for the purpose of the execution of this Ordinance administer an oath and take any affidavit or declaration.

(2) Any person who, when examined by the commissioners in pursuance of this Ordinance or any regulation made under this Ordinance, wilfully gives false evidence, or who, for the purpose of obtaining a loan under this Ordinance, wilfully gives information to the commissioners which is false in any material particular, shall be guilty of an offence, and may be tried and punished in the same manner as if he had given false evidence in a judicial proceeding.

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Suspension of payment of principal and interest.

26. The commissioners may postpone for any time not exceeding five years the payment of any sum in respect of principal and interest, or either, due or to become due, in respect of a loan under this Ordinance for the purpose of any work or enterprise, upon such terms and conditions, for the completion and carrying out of such work or enterprise, and the ultimate payment of such principal and interest as they may authorize.

Change of security.

27. The commissioners may, subject to the prescribed regulations, if under the circumstances they think fit, accept any security in lieu of any security previously given to them or any part of such security, subject to such terms and conditions as they direct, so however that the substituted security shall be of the character which the commissioners might take if the loan were originally granted at the time of such substitution.

Power to extend time, compound, or release.

28. The commissioners, subject to the approval of the Minister,[1] may from time to time extend the period for the repayment of any loan, or compound, or release any loan or any part thereof, subject to such terms and conditions as they may think fit.

Payment of loan before the same is due.

29. The commissioners may, if they think fit, at any time accept payment of the whole or any part of the principal and interest of any loan or other money secured by any mortgage under this Ordinance before the time when the same is due, and may release or convey the mortgaged property to the person paying the same, or as he may direct, upon such terms and conditions and in such manner and form as the commissioners may deem expedient.

Conversion of existing loans.

30. (1) The Minister[1] may direct that any loan advanced to any local authority before the commencement of this Ordinance, which is repayable by means of a sinking fund, shall be converted into a loan repayable by instalments of principal and interest, and

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such loan shall be converted accordingly, and thereupon the security given for the purpose of the repayment of the loan and the interest due in respect thereof before such conversion shall be deemed to have reference to such loan as converted, and shall be enforceable accordingly.

(2) Subject to any special agreement between the Government and the local authority, the terms of such conversion shall be as follows :—

(*a*) all investments made for the purpose of the sinking fund shall be transferred to the Government in reduction of the amount due under the loan at the market value of the respective securities at the date of the transfer ;

(*b*) the annual amount payable in respect of principal and interest under the conversion shall not exceed the annual amount payable in respect of the sinking fund and interest under the original loan.

Service of notices.

31. (1) Notices, directions, orders, and documents required by this Ordinance, or by any regulation made under this Ordinance, to be served or sent may, unless otherwise expressly provided, be served and sent by post, and until the contrary is proved shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice, direction, order or document was prepaid and properly addressed and put into the post.

(2) Notices and documents required by this Ordinance, or by any regulation made under this Ordinance, to be served on the commissioners, may be so served by serving the same on their secretary, or by sending the same addressed to or delivering the same at the office of the commissioners.

Meaning of mortgagor.

32. All references to a mortgagor shall, if need be, be deemed to include a reference to the successors, heirs, executors, administrators, and assigns of, or other persons claiming through or under such mortgagor.

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CHAPTER 405

HOME DEFENCE LOAN

Ordinance No. 2 of 1942.

AN ORDINANCE TO MAKE PROVISION FOR RAISING A LOAN OF FIFTY MILLION RUPEES FOR EXPENDITURE ON EMERGENCY PURPOSES.

[*18th February, 1942.*]

Short title.

1. This Ordinance may be cited as the Home Defence Loan Ordinance.

Definition of "emergency purpose".

2. In this Ordinance, "emergency purpose" means any purpose connected with or incidental to the emergency arising out of any war in which His Majesty may be engaged.

Authority to raise loan.

3. The Governor is hereby authorized to raise by way of loan a sum not exceeding fifty million rupees for expenditure on emergency purposes.

Method of raising loan.

4. The loan or any part of the loan authorized by this Ordinance may, subject as hereinafter provided, be raised under the Registered Stock and Securities Ordinance, at such time or times as the Governor may determine:

Provided that the Governor may, by Order, direct that in respect of any such loan or part of a loan, the provisions of the Registered Stock and Securities Ordinance shall apply and have effect subject to such exceptions, modifications and amendments as may be specified in the Order; and every such Order shall, upon publication in the Gazette, be as valid and effectual as if it were herein enacted.

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Authority to raise additional sums for incidental expenses.

5. In addition to the sum specified in section 3, the Governor is hereby authorized to raise in the manner prescribed in or under section 4, such further sums as may be necessary for the purpose of defraying the expenses incurred in raising the loan or any part thereof.

Application of moneys raised by way of loan under section 3.

6. (1) All moneys raised by way of loan under section 3 may be expended for emergency purposes, but such expenditure shall not be finally charged to any such loan or to any part of any such loan except upon a resolution in that behalf passed by the State Council and ratified by the Governor.

(2) Where moneys have been expended out of general revenue for emergency purposes whether before or after the commencement of this Ordinance, such expenditure may, by a resolution passed by the State Council and ratified by the Governor, be declared to be charged to any loan or to any part of any loan raised under section 3.

Power to issue Treasury Bills, &c.

7. (1) In anticipation of the raising of any loan or of any part of any loan by authority of this Ordinance, the Governor may, in his discretion, from time to time cause such sums as he may deem necessary to be raised by the issue of Treasury Bills under the Local Treasury Bills Ordinance ; and the provisions of that Ordinance shall apply accordingly except in so far as they are inconsistent with the provisions of this Ordinance.

(2) Every sum raised by the issue of Treasury Bills under the authority of subsection (1) may be applied—

(*a*) for paying off at maturity any Treasury Bills issued under the authority of that subsection and outstanding at the date on which such sum is raised ; or

(*b*) for emergency purposes.

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(3) Upon the raising of the loan or part of the loan in anticipation of which any sum has been raised by the issue of Treasury Bills under the authority of subsection (1), the Governor may—

(*a*) expend from such loan or part thereof such amounts as may from time to time be necessary to meet the liabilities of the Government in respect of such Treasury Bills ; or

(*b*) where such liabilities have been met in the first instance out of general revenue, refund to the general revenue such amounts as may have been expended therefrom for that purpose.

Exemption from taxes and duties.

8. The interest payable on any registered stock, promissory notes or bearer bonds issued by authority of this Ordinance under the Registered Stock and Securities Ordinance and held by the Government of any part of Her Majesty's Realms and Territories (including therein any British protectorate or protected state and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by Her Majesty), shall be exempt from all taxes and duties leviable or payable under any written law in force in Ceylon, notwithstanding anything in any such law to the contrary.

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CHAPTER 406

NATIONAL LOAN

AN ORDINANCE TO MAKE PROVISION FOR RAISING A LOAN OF ONE HUNDRED AND TWENTY-FIVE MILLION RUPEES FOR EXPENDITURE ON EMERGENCY AND POST-WAR DEVELOPMENT PURPOSES AND THE REPAYMENT OF THE THREE-YEAR LOAN RAISED UNDER THE HOME DEFENCE LOAN ORDINANCE.

Ordinance No. 35 of 1943.

[*6th October, 1943.*]

Short title.

1. This Ordinance may be cited as the National Loan Ordinance.

Authority to raise loan.

2. The Governor is hereby authorized to raise by way of loan a sum not exceeding one hundred and twenty-five million rupees for—

(*a*) expenditure on emergency purposes, that is to say, purposes connected with or incidental to the emergency arising out of any war in which His Majesty may be engaged ;

(*b*) expenditure on any work connected with or incidental to post-war development, whether such work is commenced before or after the termination of the war.

Method of raising loan.

3. The loan or any part of the loan authorized by this Ordinance may, subject as hereinafter provided, be raised under the Registered Stock and Securities Ordinance, at such time or times as the Governor may determine :

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Provided that the Governor may, by Order, direct that in respect of any such loan or part of a loan, the provisions of the Registered Stock and Securities Ordinance shall apply and have effect subject to such exceptions, modifications and amendments as may be specified in the Order ; and every such Order shall, upon publication in the Gazette, be as valid and effectual as if it were herein enacted.

Authority to raise additional sums for incidental expenses.

4. In addition to the sum specified in section 2, the Governor is hereby authorized to raise in the manner prescribed in or under section 3, such further sums as may be necessary for the purpose of defraying the expenses incurred in raising the loan or any part thereof.

Application of moneys raised by way of loan under section 2.

5. (1) All moneys raised by way of loan under section 2 may be expended for the purposes mentioned in section 2, but such expenditure on any of the purposes mentioned in paragraph (*a*) or paragraph (*b*) of that section shall not be finally charged to any such loan or to any part of any such loan except upon a resolution in that behalf passed by the State Council and ratified by the Governor.

(2) Where moneys have been expended out of general revenue for any purpose mentioned in section 2 whether before or after the commencement of this Ordinance, such expenditure may, by a resolution passed by the State Council and ratified by the Governor, be declared to be charged to any loan or to any part of any loan raised under section 2.

Power to issue Treasury Bills, &c.

6. (1) In anticipation of the raising of any loan or of any part of any loan by authority of this Ordinance, the Governor may, in his discretion, from time to time cause such sums as he may deem necessary to be raised by the issue of Treasury Bills under the Local Treasury Bills Ordinance ; and the provisions of that Ordinance shall apply accordingly except in so far as they are inconsistent with the provisions of this Ordinance.

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(2) Every sum raised by the issue of Treasury Bills under the authority of subsection (1) shall be applied—

(*a*) for paying off at maturity any Treasury Bills issued under the authority of that subsection and outstanding at the date on which such sum is raised ; or

(*b*) for the purposes mentioned in section 2.

(3) Upon the raising of the loan or part of the loan in anticipation of which any sum has been raised by the issue of Treasury Bills under the authority of subsection (1), the Governor may—

(*a*) expend from such loan or part thereof such amounts as may from time to time be necessary to meet the liabilities of the Government in respect of such Treasury Bills ; or

(*b*) where such liabilities have been met in the first instance out of the general revenue, refund to the general revenue such amounts as may have been expended therefrom for that purpose.

Exemption from taxes and duties.

7. The interest payable on any registered stock, promissory notes or bearer bonds issued by authority of this Ordinance under the Registered Stock and Securities Ordinance and held by the Government of any part of Her Majesty's Realms and Territories (including therein any British protectorate or protected state and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by Her Majesty), shall be exempt from all taxes and duties leviable or payable under any written law in force in Ceylon, notwithstanding anything in any such law to the contrary.

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CHAPTER 407

CEYLON DEVELOPMENT LOANS

Acts Nos. 6 of 1954, 25 of 1954, 8 of 1956.

AN ACT TO PROVIDE FOR THE RAISING OF LOANS THE TOTAL AMOUNT OF WHICH SHALL NOT EXCEED SIX HUNDRED MILLION RUPEES FOR EXPENDITURE ON THE DEVELOPMENT OF CEYLON, FOR THE RAISING OF ANY FURTHER LOAN WHICH MAY BE NECESSARY FOR DEFRAYING THE EXPENSES OF RAISING THE AFORESAID SUM OR ANY PART THEREOF, AND TO MAKE PROVISIONS REGARDING THE RAISING, IN THE UNITED KINGDOM OR FROM THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, OF ANY LOAN AUTHORIZED BY THIS ACT OR BY ANY OTHER ACT.

[*22nd February, 1954.*]

Short title.

1. This Act may be cited as the Ceylon Development Loans Act.

PART I

PROVISIONS RELATING TO LOANS AUTHORIZED BY THIS ACT

Authority to raise loans.

[§ 2, 8 of 1956.]

2. (1) The Monetary Board is hereby authorized to raise for the Government of Ceylon loans the total amount of which shall not exceed six hundred million rupees for expenditure on any work commenced before or on or after the date of commencement of this Act and connected with or incidental to the development of Ceylon.

(2) In addition to the sum specified in subsection (1), the Monetary Board is hereby authorized to raise by way of loan, for the Government of Ceylon, such further sums as may be necessary for the purposes of defraying the expenses incurred in raising loans under that subsection.

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Manner of raising loans.

3. A loan authorized by this Act may be raised in such one or more of the following modes as the Government of Ceylon may determine :—

(*a*) by the issue of stock or securities in accordance with the provisions of the Registered Stock and Securities Ordinance ;

(*b*) by the issue of stock in accordance with the provisions of Part II of this Act ;

(*c*) from the International Bank for Reconstruction and Development in accordance with the provisions of Part III of this Act.

Application of moneys raised by way of loan under section 2 (1).

4. (1) All moneys raised by way of loan under subsection (1) of section 2 may be expended on the work mentioned in that subsection, but no such expenditure shall be finally charged to such loan except upon a resolution in that behalf passed by the House of Representatives :

Provided, however, that where a loan authorized by this Act is raised in accordance with the provisions of Part II or Part III of this Act for any purpose or purposes specified in any prospectus issued or any loan agreement entered into by or on behalf of the Government of Ceylon, the moneys raised by such loan shall not be expended on any purpose other than the purpose or all or any of the purposes specified in such prospectus or agreement, as the case may be.

[§ 3, 8 of 1956.]

(2) Where any sum of money has, before or on or after the date of commencement of this Act, been expended out of the Consolidated Fund of Ceylon on any such work as is mentioned in subsection (1) of section 2, that sum may, subject to the proviso to subsection (1) of this section and upon a resolution in that behalf being passed by the House of Representatives, be replaced out of the moneys raised by way of loan under subsection (1) of section 2, and upon such replacement such expenditure shall be charged to such loan.

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PART II

Provisions Relating To The Raising Of Loans In The United Kingdom

Loans to be raised in United Kingdom by issue of stock of Government of Ceylon.

5. Where by this Act or any other Act authority is given to raise a loan, then, if the Government of Ceylon so determines, such loan may be raised by the issue of stock of the Government of Ceylon (hereinafter referred to as "Ceylon Government stock") in the United Kingdom in accordance with the provisions of this Part of this Act and the conditions of the issue detailed in the prospectus of that stock approved by the Government of Ceylon.

Agent to issue and to be Registrar of Ceylon Government stock.

6. The Monetary Board shall appoint an agent in the United Kingdom to issue Ceylon Government stock and shall appoint such agent to be the Registrar of Ceylon Government stock, such appointments being made with the approval of, and upon such terms as may be determined by, the Government of Ceylon.

Issue of Ceylon Government stock.

7. Ceylon Government stock shall be issued under the provisions of the Colonial Stock Acts, 1877 to 1948, of the United Kingdom or any Acts amending them or substituted therefor.

Ceylon Government stock regulations.

8. (1) Regulations relating to Ceylon Government stock may be made by the Registrar under section 16 of the Colonial Stock Act, 1877, as extended by the Colonial Stock Act, 1948, of the United Kingdom or any Acts amending them or substituted therefor, and the regulations may include provision that Ceylon Government stock shall be transferable by instrument in writing in accordance with the regulations and in no other manner and that certificates of title relating to Ceylon Government stock may be issued.

(2) Regulations made by the Registrar shall not come into force until they have been submitted to and approved by the Government of Ceylon.

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Liability of Government of Ceylon in respect of Ceylon Government stock.

9. (1) The Government of Ceylon shall pay to each holder of any Ceylon Government stock the principal sum of his holding and the interest due thereon, on the dates and at the rates specified in the prospectus of the stock, and the premium, if any, payable on the redemption or conversion of his holding of such stock.

(2) The Minister of Finance shall from time to time authorize by warrant under his hand the withdrawal from the Consolidated Fund of Ceylon of sums sufficient to make the payments required by subsection (1) to be made by the Government of Ceylon and shall cause those sums to be transmitted to the Registrar in such time as will enable the Registrar to make those payments on the due dates.

(3) The principal of, the interest on, and any premium payable on the redemption or conversion of, Ceylon Government stock are hereby charged on the Consolidated Fund of Ceylon.

Cessation of liability to pay interest.

10. Interest shall not accrue on any Ceylon Government stock after the earliest date on which the payment of the principal amount due on that stock could lawfully have been demanded.

Separate sinking fund for each issue of Ceylon Government stock.

11. A separate sinking fund shall be established for the redemption of each issue of Ceylon Government stock.

Trustees of sinking funds.

12. The Monetary Board shall, with the approval of the Government of Ceylon, appoint a trustee or trustees of each sinking fund established under section 11, and such trustee or trustees need not be a resident or residents of Ceylon.

Contribution to sinking funds.

13. (1) In the half-year ending on the date specified in the prospectus as the date of the first half-yearly contribution to the sinking fund established for the redemption of any Ceylon Government stock and thereafter in each half-year ending on the date for the payment of the half-yearly interest on such stock, there shall be paid out of the Consolidated Fund of

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Ceylon the amount of the half-yearly contribution to such sinking fund calculated at the rate specified for such contributions in the prospectus of such stock.

(2) All contributions under subsection (1) are hereby charged on the Consolidated Fund of Ceylon.

Investment of sinking funds, and cancellation of Ceylon Government stock acquired for such funds.

14. (1) All sums required by section 13 to be paid as contributions to the sinking fund established for the redemption of any Ceylon Government stock shall be paid to the trustee or trustees of that fund so as to be in his or their hands on the due date, and any sum so paid may by such trustee or trustees be invested in such stock or in any other securities in which trustees are from time to time authorized to invest trust moneys under the law in England.

(2) The trustee or trustees of a sinking fund may in his or their discretion from time to time vary or transpose any investments made under this section for or into any other investments authorized by this section.

(3) The trustee or trustees may in his or their discretion cancel any Ceylon Government stock acquired for the sinking fund established for the redemption of that stock.

Investment of interest on sinking funds.

15. The dividends, interest, bonus and other profits of any investment of any part of any sinking fund may be invested by the trustee or trustees of that fund in like manner as moneys paid under section 13 as contributions to that fund are invested, and the same when invested shall form part of that fund.

Cessation of contributions to sinking funds.

16. Notwithstanding anything to the contrary in any other provision of this Act, if at any time the trustee or trustees of the sinking fund established for the redemption of any Ceylon Government stock is or are satisfied that such fund will be sufficient with further

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accumulations, but without further payments of contributions, to enable such stock to be redeemed at the time fixed for its redemption, he or they shall inform the Minister of Finance accordingly, and the Minister of Finance is hereby authorized in such event to suspend further payments of half-yearly contributions to such fund:

Provided, however, that the half-yearly contributions as provided by section 13 to such fund shall be recommenced if the trustee or trustees of such fund at any time thereafter informs or inform the Minister of Finance that such trustee or trustees is or are no longer satisfied that such fund with further accumulations will be sufficient for the redemption of such stock.

Expenses to be paid out of sinking funds.

17. There shall be paid out of the sinking fund established for the redemption of any Ceylon Government stock all expenses specifically incurred in, or incidental to, the investment and management of such fund.

Conversion or redemption of Ceylon Government stock.

18. The Government of Ceylon may from time to time authorize the issue, on such terms as that Government may approve, of other Ceylon Government stock for such amount as may be necessary for the purpose of redeeming or converting any Ceylon Government stock.

Persons empowered to approve instruments.

19. The Government of Ceylon is hereby empowered to authorize any person or persons on its behalf to approve any instrument or other document relating to or connected with Ceylon Government stock.

United Kingdom investors' rights.

20. (1) (*a*) Whenever by the final judgment, decree, rule or order of any court of competent jurisdiction in the United Kingdom any sum of money is adjudged or declared to be payable by the Government of Ceylon in respect of any Ceylon Government stock, the Minister of Finance shall, notwithstanding anything to the contrary in any other law, forthwith pay the sum out of the Ceylon Government Account in London.

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(*b*) For the purposes of this subsection, the expression "final judgment, decree, rule or order" means in case of appeal the final judgment, decree, rule or order of the ultimate court hearing the appeal.

(*c*) Without in any way limiting the foregoing provisions of this subsection it is hereby declared that the Minister of Finance shall, notwithstanding anything to the contrary in any other law, forthwith pay out of the Ceylon Government Account in London whatever sums may from time to time be required in order to enable the Registrar forthwith to comply with any judgment, decree, rule or order with which under section 20 of the Colonial Stock Act, 1877, of the United Kingdom the Registrar is required to comply.

(2) In order to enable every payment under subsection (1) to be made out of the Ceylon Government Account in London the warrant of the Minister of Finance specifying the sum to be paid pursuant to that subsection shall be sufficient authority to the person having control of that account to cause the requisite money to be issued out of that account.

(3) All sums which are required by this section to be paid out of the Ceylon Government Account in London are hereby charged on the Consolidated Fund of Ceylon.

Payments to certain persons in respect of Ceylon Government stock to be free from taxes, levies or duties.

21. (1) The principal of, the interest on, and any premium payable on the redemption or conversion of, such Ceylon Government stock as is in the ownership of persons or corporations neither resident nor domiciled in Ceylon shall be paid without deduction for and free from all taxes, levies or duties now or hereafter imposed by or under any law of Ceylon, notwithstanding anything in such law to the contrary.

(2) For the purposes of subsection (1), the question whether a person or corporation is or is not resident in Ceylon shall be determined in accordance with the provisions of section 33 of the Income Tax Ordinance.

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Costs, charges and expenses.

22. All costs, charges and expenses incurred in connexion with the issue, management, redemption or conversion of any Ceylon Government stock are hereby charged on the Consolidated Fund of Ceylon.

PART III

Provisions Relating To Loans From The International Bank For Reconstruction And Development

Persons empowered to enter into loan agreement with International Bank for Reconstruction and Development.

23. Where by this Act or any other Act authority is given to raise a loan and the Government of Ceylon determines that such loan shall be raised from the International Bank for Reconstruction and Development (hereinafter referred to as the "International Bank"), then, for the purpose of raising such loan, the Governor-General of Ceylon may—

(*a*) enter into and sign, in the name and on behalf of the Government of Ceylon, a loan agreement with the International Bank, and

(*b*) do all such other acts as may be necessary for giving full effect to such loan agreement.

Enforceability of loan agreement, bonds and promissory notes. [§ 2, 25 of 1954.]

24. Every loan agreement between the Government of Ceylon and the International Bank and every bond and promissory note issued pursuant to such loan agreement and held either by that bank or by any other person shall be valid and enforceable in accordance with their respective terms, notwithstanding anything to the contrary in any law of Ceylon.

Sums payable by Government of Ceylon under loan agreement, bonds and promissory notes to be a charge on Consolidated Fund. [§ 3, 25 of 1954.]

25. All sums payable by the Government of Ceylon to the International Bank under a loan agreement between that Government and that bank and all sums payable by that Government under any bond or promissory note issued pursuant to such loan agreement and held either by that bank or by any other person are hereby charged on the Consolidated Fund of Ceylon.

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Payments under loan agreement, bonds and promissory notes to be free from taxes, duties, fees and restrictions. [§ 4, 25 of 1954.]

26. (1) All sums payable by the Government of Ceylon to the International Bank under a loan agreement between that Government and that bank and all sums payable by that Government under any bond or promissory note issued pursuant to such loan agreement and held either by that bank or by any other person shall be paid—

(*a*) without deduction for, and free from, any taxes, duties or fees now or hereafter imposed by or under any law of Ceylon, and

(*b*) free from all restrictions now or hereafter imposed by or under any law of Ceylon,

notwithstanding anything to the contrary in any law of Ceylon:

Provided, however, that the preceding provisions of this subsection shall not apply to any taxes, duties, fees or restrictions upon payments under any bond or promissory note to a holder thereof other than the International Bank when such bond or promissory note is beneficially owned by an individual or a corporation resident or domiciled in Ceylon.

(2) For the purposes of subsection (1), the question whether a person or corporation is or is not resident in Ceylon shall be determined in accordance with the provisions of section 33 of the Income Tax Ordinance.

When a loan from International Bank is deemed to be raised and in what amount of rupees the loan is deemed to be. [§ 5, 25 of 1954.]

27. For the purposes of subsection (1) of section 2, a loan from the International Bank—

(*a*) shall be deemed to be raised on the date when the loan agreement providing therefor becomes effective in accordance with its terms, and

(*b*) shall be deemed to be in such amount of rupees as is equivalent, at the rate of exchange in force on the aforesaid date, to the amount of the loan as expressed in the currency in which the loan is denominated for the purposes of the aforesaid loan agreement.

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PART IV

General

How determinations, &c., of Government of Ceylon are to be signified.

28. Every determination, approval or authorization made by the Government of Ceylon for the purposes of this Act shall be signified in writing under the hand of the Minister of Finance.

Interpretation.

29. In this Act, unless the context otherwise requires—

"Ceylon Government Account in London" means the account or accounts in London in which moneys of the Government of Ceylon are for the time being held;

"holder of any Ceylon Government stock" means any person or, in the case of a joint holding, the persons registered in the books of the Registrar as the holder or holders of any Ceylon Government stock;

"Minister of Finance" means the Minister of Finance for the time being of Ceylon;

"Monetary Board" means the Monetary Board of the Central Bank of Ceylon constituted by the Monetary Law Act;

"Registrar" means the Registrar appointed under section 6; and

"United Kingdom" means the United Kingdom of Great Britain and Northern Ireland.

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CHAPTER 408

NATIONAL DEVELOPMENT LOAN (1945)

Ordinance No. 32 of 1945.

AN ORDINANCE TO MAKE PROVISION FOR RAISING A FURTHER LOAN OF TWO HUNDRED MILLION RUPEES FOR EXPENDITURE ON EMERGENCY AND POST-WAR DEVELOPMENT PURPOSES.

[*24th September, 1945.*]

Short title.

1. This Ordinance may be cited as the National Development Loan (1945) Ordinance.

Authority to raise loan.

2. The Governor is hereby authorized to raise by way of loan a sum not exceeding two hundred million rupees for—

(*a*) expenditure on emergency purposes, that is to say, purposes connected with or incidental to the emergency arising out of any war in which His Majesty may be engaged ; and

(*b*) expenditure on any work connected with or incidental to post-war development, whether such work is commenced before or after the termination of the war.

Method of raising loan.

3. The loan or any part of the loan authorized by this Ordinance may, subject as hereinafter provided, be raised under the Registered Stock and Securities Ordinance, at such time or times as the Governor may determine :

Provided that the Governor may, by Order, direct that in respect of any such loan or part of a loan, the provisions of the Registered Stock and Securities Ordinance shall apply and have effect subject to such exceptions, modifications and amendments as may

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be specified in the Order ; and every such Order shall, upon publication in the Gazette, be as valid and effectual as if it were herein enacted.

Authority to raise additional sums for incidental expenses.

4. In addition to the sum specified in section 2, the Governor is hereby authorized to raise in the manner prescribed in or under section 3, such further sums as may be necessary for the purpose of defraying the expenses incurred in raising the loan or any part thereof.

Application of moneys raised by way of loan under section 2.

5. (1) All moneys raised by way of loan under section 2 may be expended for the purposes mentioned in section 2, but such expenditure shall not be finally charged to any such loan or to any part of any such loan except upon a resolution in that behalf passed by the State Council and ratified by the Governor.

(2) Where moneys have been expended out of general revenue for any purpose mentioned in section 2 whether before or after the commencement of this Ordinance, such expenditure may, by a resolution passed by the State Council and ratified by the Governor, be declared to be charged to any loan or to any part of any loan raised under section 2.

Power to issue Treasury Bills, &c.

6. (1) In anticipation of the raising of any loan or of any part of any loan by authority of this Ordinance, the Governor may, in his discretion, from time to time cause such sums as he may deem necessary to be raised by the issue of Treasury Bills under the Local Treasury Bills Ordinance ; and the provisions of that Ordinance shall apply accordingly except in so far as they are inconsistent with the provisions of this Ordinance.

(2) Every sum raised by the issue of Treasury Bills under the authority of subsection (1) shall be applied—

(*a*) for paying off at maturity any Treasury Bills issued under the authority of that subsection and outstanding at the date on which such sum is raised ; or

(*b*) for the purposes mentioned in section 2.

M 16——J. N. R 7598 (4/60)

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(3) Upon the raising of the loan or part of the loan in anticipation of which any sum has been raised by the issue of Treasury Bills under the authority of subsection (1), the Governor may—

(*a*) expend from such loan or part thereof such amounts as may from time to time be necessary to meet the liabilities of the Government in respect of such Treasury Bills; or

(*b*) where such liabilities have been met in the first instance out of general revenue, refund to the general revenue such amounts as may have been expended therefrom for that purpose.

Exemption from taxes and duties.

7. The interest payable on any registered stock, promissory notes or bearer bonds issued by authority of this Ordinance under the Registered Stock and Securities Ordinance and held by the Government of any part of Her Majesty's Realms and Territories (including therein any British protectorate or protected state and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by Her Majesty), shall be exempt from all taxes and duties leviable or payable under any written law in force in Ceylon, notwithstanding anything in any such law to the contrary.

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CHAPTER 409

NATIONAL DEVELOPMENT LOAN (1950)

AN ACT TO MAKE PROVISION FOR RAISING A LOAN OF FOUR HUNDRED MILLION RUPEES FOR EXPENDITURE ON NATIONAL DEVELOPMENT PURPOSES.

Act No. 3 of 1950.

[*16th February, 1950.*]

Short title.

1. This Act may be cited as the National Development Loan (1950) Act.

Authority to raise loan.

2. The Minister of Finance is hereby authorized to raise by way of loan a sum not exceeding four hundred million rupees for expenditure on any work connected with or incidental to national development.

Method of raising loan.

3. The loan or any part of the loan authorized by this Act may, subject as hereinafter provided, be raised under the Registered Stock and Securities Ordinance at such time or times as the Minister of Finance may determine :

Provided that section 4 (1) (*e*), sections 27 to 33 (both inclusive) and section 48 (*b*) of the Registered Stock and Securities Ordinance shall not apply to any loan raised under the authority of this Act ;

Provided further that the Minister of Finance may, by Order, direct that, in respect of such loan or any part of such loan, the provisions of the Registered Stock and Securities Ordinance (other than the provisions of the sections referred to in the preceding proviso) shall apply and have effect subject to such exceptions, modifications and amendments as may be specified in the Order ; and every such Order shall upon publication in the Gazette, be as valid and effectual as if it were herein enacted.

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Authority to raise additional sums for incidental expenses.

4. In addition to the sum specified in section 2, the Minister of Finance is hereby authorized to raise, in the manner prescribed in or under section 3, such further sums as may be necessary for the purpose of defraying the expenses incurred in raising the loan or any part thereof.

Application of moneys raised by way of loan under section 2.

5. (1) All moneys raised by way of loan under section 2 may be expended on the work mentioned in section 2, but such expenditure shall not be finally charged to such loan or to any part of such loan except upon a resolution in that behalf passed by the House of Representatives.

(2) Where moneys have been expended out of the Consolidated Fund on the work mentioned in section 2, whether before or after the commencement of this Act, such expenditure may, by a resolution passed by the House of Representatives, be declared to be charged to any loan or to any part of any loan raised under section 2.

Power to issue Treasury Bills, &c.

6. (1) In anticipation of the raising of any loan or of any part of any loan by authority of this Act, the Minister of Finance may, in his discretion, from time to time cause such sums as he may deem necessary to be raised by the issue of Treasury Bills under the Local Treasury Bills Ordinance; and the provisions of that Ordinance shall apply accordingly except in so far as they are inconsistent with the provisions of this Act.

(2) Every sum raised by the issue of Treasury Bills under the authority of subsection (1) shall be applied—

(*a*) for the work mentioned in section 2, or

(*b*) for paying off at maturity any Treasury Bills issued under such authority.

(3) Upon the raising of the loan or part of the loan in anticipation of which any sum has been raised by

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the issue of Treasury Bills under the authority of sub-section (1), the Minister of Finance may—

(*a*) expend from such loan or part thereof such amounts as may from time to time be necessary to meet the liabilities of the Government in respect of such Treasury Bills ; or

(*b*) where such liabilities have been met in the first instance out of the Consolidated Fund, refund to the Consolidated Fund such amounts as may have been expended therefrom for that purpose.

Exemption from taxes and duties.

7. The interest payable on any registered stock, promissory notes or bearer bonds issued by authority of this Act under the Registered Stock and Securities Ordinance and held by the Government of any part of Her Majesty's Realms and Territories (including therein any British protectorate or protected state and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by Her Majesty), shall be exempt from all taxes and duties leviable or payable under any written law in force in Ceylon, notwithstanding anything in any such law to the contrary.

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CHAPTER 410

PUBLIC WORKS LOAN (1909)

Ordinance No. 6 of 1909.

AN ORDINANCE TO MAKE PROVISION FOR RAISING A LOAN OF THREE MILLION FOUR HUNDRED AND THIRTY-SIX THOUSAND EIGHT HUNDRED AND FIFTY-FOUR POUNDS STERLING FOR THE CONSTRUCTION OF CERTAIN PUBLIC WORKS AND OTHER PURPOSES.

[*23rd March, 1909.*]

Short title.

1. This Ordinance may be cited as the Public Works Loan (1909) Ordinance.

Authority to Governor to borrow by sale of debentures or inscribed stock.

2. The Governor is hereby authorized to issue stock or debentures, or both, under the provisions of "The General Loan and Inscribed Stock Ordinance, 1907",* to an amount sufficient to produce, as nearly as may be, the sum of three million four hundred and thirty-six thousand eight hundred and fifty-four pounds sterling, and such further sum as may be necessary to defray the expenses of issue.

Application of loan.

3. The money to be borrowed under the authority of this Ordinance shall be appropriated and applied to the purposes specified in the Schedule, and to no other purpose:

Provided that it shall be lawful for the Governor, with the previous approval of a Secretary of State, to direct that any sums which may not be required for a purpose specified in the Schedule may be appropriated and applied to any other purpose therein specified.

* Repealed by Ordinance No. 5 of 1921.

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4. Contribution to sinking fund, as contemplated by the provisions of sections 13 and 27 of "The General Loan and Inscribed Stock Ordinance, 1907",* shall commence after the expiration of three years from the date on which the interest on the first debentures or inscribed stock to be issued under this Ordinance shall begin to run.

Commencement of contribution to sinking fund.

SCHEDULE

PURPOSES TO WHICH LOAN IS APPLICABLE [Section 3.]

	£
1. Colombo Harbour Works	800,000
2. Railway Construction (1899 programme) ..	98,400
3. Duplication of Colombo Water Main ..	55,867
4. Irrigation	113,333
5. Colombo Stations Extension	296,666
6. Ratnapura Railway	200,000
7. Colombo Drainage (First Series of Works) ..	333,334
8. Colombo Drainage (Second Series of Works)	500,000
9. Colombo Lake Development	319,900
10. Karaiur Reclamation, Jaffna	10,000
11. Duplication of Moratuwa and Ragama Railway Lines	180,000
12. Mannar Railway	409,254
13. Motor Traction	120,000
14. Extension of Railway where most required (nominal)	100
Total ..	3,436,854

* Repealed by Ordinance No. 5 of 1921.

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CHAPTER 411

PUBLIC WORKS LOAN (1921)

Ordinance No. 6 of 1921.

AN ORDINANCE TO MAKE PROVISION FOR A LOAN OF SIX MILLION POUNDS STERLING FOR THE CONSTRUCTION OF CERTAIN PUBLIC WORKS AND OTHER PURPOSES.

[*16th February, 1921.*]

Short title.

1. This Ordinance may be cited as the Public Works Loan (1921) Ordinance.

Authority to Governor to borrow by sale of debentures or inscribed stock.

2. (1) The Governor is hereby authorized to issue stock or debentures, or both, under the provisions of the General Loan and Stock Ordinance to an amount sufficient to produce, as nearly as may be, the sum of six million pounds sterling, to be appropriated and applied to the purposes specified in the Schedule, and such further sum as may be necessary to defray the expenses of issue :

Provided that no expenditure shall be incurred in respect of the tenth item in the Schedule, until such expenditure shall have been approved by a resolution of the State Council and by a Secretary of State. [3]

(2) It shall be lawful for the Governor to direct that any sums which may not be required for a purpose specified in the Schedule may be appropriated and applied to any other purpose therein specified :

Provided that no such transfer of money from one item of the Schedule to any other item thereof shall be made, unless such transfer shall first have been approved by a resolution of the State Council and by a Secretary of State. [3]

Commencement of contribution to sinking fund.

3. The contributions to sinking fund, as contemplated by sections 13 and 27 of the General Loan and Stock Ordinance, shall commence after the expiration

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of three years from the date on which the interest on the first debentures or inscribed stock to be issued under this Ordinance shall begin to run.

Repeal.

4. The borrowing powers created by the Public Works Loan (1909) Ordinance, except to the extent to which they have been already exercised at the date of the commencement of this Ordinance, shall as from such date cease to be operative.

SCHEDULE

PURPOSES TO WHICH THE LOAN IS APPLICABLE [Section 2.]

	£
1. Repayment to the general balance of Ceylon of sums advanced therefrom to the Municipal Council of Colombo for construction of the Colombo Drainage Works and the extension of the Colombo Waterworks ..	1,420,000
2. Colombo Lake Development	172,000
3. Kolonnawa Oil Depot	260,000
4. Colombo Stations Extensions	241,000
5. Harbour Rail Connexion	71,000
6. Duplication of the Main Line	532,000
7. Badulla Railway Extension	358,000
8. Puttalam Railway Extension	515,000
9. Batticaloa-Maho and Trincomalee Light Railway	950,000
10. Other Works of Development	1,481,000
Total ..	6,000,000

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CHAPTER 412

PUBLIC WORKS LOAN (1929)

Ordinance No. 26 of 1929.

AN ORDINANCE TO MAKE PROVISION FOR CERTAIN LOANS FOR THE CONSTRUCTION OF CERTAIN PUBLIC WORKS AND OTHER PURPOSES.

[*29th November, 1929.*]

Short title.

1. This Ordinance may be cited as the Public Works Loan (1929) Ordinance.

Authority to Governor to borrow for certain purposes.

2. The Governor is hereby authorized to raise by a loan or loans a total sum not exceeding thirty-eight million eight hundred and forty thousand rupees to be appropriated and applied in accordance with the provisions of sections 7 and 10 of this Ordinance and for the purposes specified in the Schedule, and, in addition to such sum as aforesaid, such further sum as may be necessary to defray the expenses of the raising of the loan.

Loans to be a charge upon general revenue and assets.

3. The principal moneys and interest subscribed or payable in respect of a loan authorized by this Ordinance are hereby charged upon and shall be payable out of the general revenue and assets of Ceylon.

Method of issuing loans.

4. A loan authorized by this Ordinance may be raised by such instalments, at such time or times, and by such of the following methods as the Governor may direct—

(*a*) by the issue of stock under the provisions of the Ceylon Inscribed Rupee Stock Ordinance ;

(*b*) by the issue of stock or debentures or both under the provisions of the General Loan and Stock Ordinance ;

(*c*) by any other method or methods approved by a resolution of the State Council and by a Secretary of State.[8]

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Rate of exchange in calculation of amount of sterling loan.

5. For the purpose of calculating the total sum which may be borrowed under the authority of this Ordinance any sum borrowed in sterling currency shall be converted into rupees at the rate of one shilling and six pence to the rupee.

Transfer of sums from an item of Schedule to another purpose.

6. It shall be lawful for the Governor to direct that any sum provided under any item of the Schedule which may not be required for the purpose indicated in that item may be appropriated and applied to any other purpose, whether indicated in the Schedule or not :

Provided that no such transfer of money from any one purpose to any other purpose shall be made unless such transfer shall first have been approved by a resolution of the State Council and by a Secretary of State.[a]

Refund from loan to general revenue.

7. There shall be refunded out of the proceeds of the loan or loans raised in accordance with section 2 to the general revenue of Ceylon—

(*a*) all sums expended therefrom prior to the 1st day of October, 1929, not exceeding a total of twenty-five million rupees, in respect of any of the items mentioned in the Schedule ;

(*b*) all sums which may have been or may be expended therefrom after the 1st day of October, 1929, in respect of any of the said items.

Enlargement of limitation of interest imposed by section 3 of the Ceylon Inscribed Rupee Stock Ordinance.

8. Notwithstanding the proviso to section 3 of the Ceylon Inscribed Rupee Stock Ordinance, any stock issued under the provisions of that Ordinance for a purpose authorized by or under this Ordinance may bear interest at a rate not exceeding six *per centum* per annum.

Date of commencement of contributions to sinking fund.

9. If a loan or any part thereof authorized by this Ordinance shall be issued under the provisions of the Ceylon Inscribed Rupee Stock Ordinance, or under the provisions of the General Loan and Stock Ordinance, the date from which contributions to the sinking fund

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in respect of any stock or debentures so issued shall commence shall be such date, not later than three years after the date from which interest on such stock or debentures shall be payable, as the Governor shall determine.

Power to issue Treasury Bills, and to repay expenditure in respect thereof from money borrowed under this Ordinance.

10. (1) In anticipation of the issue of the whole or any portion of any loan authorized by this Ordinance, the Governor may, if he shall think fit, raise such instalments of any such loan as he may deem to be required by the issue of Treasury Bills under the Colonial Treasury Bills Ordinance, or the Local Treasury Bills Ordinance.

(2) Sums raised under this section shall be applied in the manner authorized for the loan in anticipation of which they are raised, and upon the raising of such loan the Governor may—

(*a*) expend from such loan such sums as may from time to time be necessary to meet the liabilities of Ceylon in respect of any such Treasury Bill ; and

(*b*) refund from such loan to the general revenue of Ceylon a sum equal to the amount which shall have been or may be expended therefrom in respect of such liabilities.

SCHEDULE

[Section 2.]

PURPOSES TO WHICH THE LOAN IS APPLICABLE

	Rs.
Railway	
1. Completion of the Batticaloa-Trincomalee Light Railway, including improvements to permanent way	2,498,010
2. Ratmalana carriage and locomotive work-shops	6,685,920
3. Additional rolling stock (1927-28 and 1928-29 programmes)	5,003,395
4. Maradana station enlargement and new carriage sidings	2,500,000
5. Coal stacking ground : Dematagoda ..	850,000
6. New stations : Kondavil, Tellipallai, and Egoda Uyana	194,000

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	Rs.
7. Additions and improvements to, and remodelling of stations : Fort, Moratuwa, Panadure, Kalutara South, Anuradhapura, Manampitiya and Trincomalee	2,606,825
8. Bungalows and workmen's dwellings ..	359,000
9. Duplication of parts of Coast and Kelani Valley lines	1,160,000
10. New engine shed and yard : Nawalapitiya ..	958,500
11. Additional crossing stations and additional areas, accommodation and equipment for goods traffic at various stations, including Colombo Goods, Puliyankulam, Moragollagamuwa, Welikanda, Tampalakamam, Hatton, and Jaffna	750,100
12. Additional signalling at stations ..	53,000
13. Track circuiting : Kelaniya, Hunupitiya, and Veyangoda	42,000
14. Coal stage, crane, and turntable : Galle ..	28,700
15. Better yard accommodation and lining drain : Kandy	118,000
16. Washing out plant for engines : Anuradhapura	45,000
17. Extension of water supply : Fort and Vavuniya	34,500
18. Safety measures and repairs of slips and washaways on Main, Northern, and Puttalam lines	129,800
Electrical Undertakings	
19. Purchase of the Colombo Electric Tramways and Lighting Co.'s plant, land, buildings, and goodwill	3,452,667
20. Stanley power station and new distribution system	5,488,970
21. Changing over the existing voltage and supply of the Colombo distribution system to 230 volts	500,000
22. Extensions of the Colombo Electricity Supply to adjacent areas	1,191,163
Telephones	
23. Extension and development of the telephone system	2,499,740
24. Underground cable : Colombo-Kalutara ..	710,000
General	
25. Loan to Tea Research Institute of Ceylon ..	980,710
	38,840,000

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CHAPTER 413

PUBLIC WORKS LOAN (1937)

Ordinances Nos. 5 of 1937, 6 of 1937, 52 of 1944, *Act* No. 11 of 1949.

AN ORDINANCE TO AUTHORIZE A SUM OF ONE HUNDRED MILLION RUPEES TO BE RAISED BY WAY OF LOAN FOR THE CONSTRUCTION OF CERTAIN PUBLIC WORKS AND FOR OTHER PURPOSES.

[*18th March, 1937.*]

Short title.

1. This Ordinance may be cited as the Public Works Loan (1937) Ordinance.

Authority to raise loan.

2. The Governor is hereby authorized to raise by way of loan a sum not exceeding one hundred million rupees for the purposes mentioned in the first column of the Schedule.

Method of raising loan.

3. The loan or any part of the loan authorized by this Ordinance may be raised at such time or times as the Governor may determine under the General Loan and Stock Ordinance, or under any other enactment which may hereafter be enacted to make provision for the creation and issue of registered stock, Government promissory notes and bearer bonds for the purpose of raising loans in Ceylon.

Authority to raise additional sums for incidental expenses, &c.

4. In addition to the sum specified in section 2, the Governor is hereby authorized to raise in the manner prescribed in section 3 such further sums as may be necessary for the purpose—

(*a*) of defraying the expenses incurred in raising the loan or any part thereof ; and

(*b*) of paying the stamp duty on transfers of such stock as may be issued under the General Loan and Stock Ordinance.

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Determination of sterling equivalent of authorized loan.

5. For the purpose of determining in sterling currency the amount of any loan or part of a loan authorized by this Ordinance to be raised in rupee currency, one shilling and six pence shall be deemed to be the equivalent of one rupee.

Appropriation and expenditure.

6. Save as hereinafter provided, the sums respectively specified in the second column of the Schedule shall, out of any moneys raised under the authority of this Ordinance, be appropriated for the purposes mentioned in the corresponding entries in the first column of that Schedule ; but no expenditure shall at any time be incurred for any purpose mentioned in the first column of the Schedule until such expenditure shall have been authorized by a resolution passed by the State Council and ratified by the Governor :

Provided that nothing in this section shall apply to any refund to general revenue authorized by section 8.

Power to vary any appropriation.
[§ 2, 52 of 1944.]

7. It shall be lawful for the Governor—

(*a*) to direct that any sum or part of any sum appropriated by section 6 for any purpose mentioned in the Schedule, shall, if it is not required for that purpose, be appropriated and applied to any other purpose whether mentioned in the Schedule or not ; and

(*b*) whenever any sum or part of any sum appropriated for any purpose under the preceding paragraph is not required for that purpose, to direct that such sum or part of a sum shall be appropriated and applied to any other purpose whether mentioned in the Schedule or not, and in like manner to vary any appropriation so made as often as any part of the moneys raised under the authority of this Ordinance ceases to be required for the purposes to which such moneys have been appropriated by or under this Ordinance :

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Provided, however, that no direction for any such variation of any appropriation shall be given by the Governor under paragraph (*a*) or paragraph (*b*) unless such variation shall first have been approved by resolution of the House of Representatives.

[§ 2, 11 of 1949.]

Refund from loan to revenue.

8. Out of the total sum raised under the authority of this Ordinance, there shall be refunded to the general revenue of Ceylon—

(*a*) a sum not exceeding sixteen million rupees in repayment of all sums expended out of the general revenue prior to the 1st day of October, 1936, in respect of any of the items mentioned in the Schedule ; and

(*b*) all sums expended out of the general revenue on or after the 1st day of October, 1936, in respect of any of the said items.

Power to issue Treasury Bills and to repay expenditure in respect thereof from loan.

9. (1) In anticipation of the raising of any loan or of any part of any loan under the authority of this Ordinance, the Governor may, if he thinks fit, raise such sum as he may deem necessary by the issue of Treasury Bills under the Colonial Treasury Bills Ordinance, or the Local Treasury Bills Ordinance, or under both those Ordinances.

(2) Every sum raised under this section shall be applied in the manner authorized for the loan or part of the loan in respect of which that sum is raised, and upon the raising of such loan or part of such loan the Governor may—

(*a*) expend therefrom such amounts as may from time to time be necessary to meet the liabilities of the Government in respect of the Treasury Bills issued under subsection (1), or

(*b*) where such liabilities have been met in the first instance out of the general revenue, refund to the general revenue such sums as may have been expended therefrom for that purpose.

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Date of first contribution to sinking fund of loan issued under Ordinance.

10. Where the loan or any part of the loan authorized by this Ordinance is issued under the provisions of the General Loan and Stock Ordinance, the date from which contributions to the sinking fund shall commence shall be such date, not later than three years after the date from which interest on such loan may first become payable, as the Governor may determine.

Exemption from taxes and duties.

11. The interest payable—

(*a*) upon any inscribed stock or debentures issued by authority of this Ordinance under the General Loan and Stock Ordinance, and

(*b*) upon any registered stock, promissory notes or bearer bonds issued by authority of this Ordinance under any enactment hereafter to be enacted and held by the Government of any part of Her Majesty's Realms and Territories (including therein any British protectorate or protected state and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by Her Majesty),

shall be exempt from all taxes and duties leviable or payable under any written law in force in Ceylon notwithstanding anything in any such written law to the contrary.

SCHEDULE

[Sections 2 and 6.]

I	II
New Works and Buildings	
	Rs.
1. New office accommodation in Colombo ..	2,000,000
2. Law Courts	2,000,000
3. New buildings for the Government Stores Department	1,250,000
4. Wireless beacons	84,000
5. Komari Lighthouse	141,000
6. Aerodrome at Ratmalana and Emergency Landing Ground, Puttalam ..	400,000
7. House of Detention and Home for Vagrants at Wanatamulla	170,000
8. Training School for Youthful Offenders at Watupitiwéla	480,000
9. Model Processing house for Jaffna Malayalam Tobacco Co-operative Sale Society	60,000

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I	II
	Rs.
10. Veterinary Department and Farm School (Transfer and Reorganization) ..	150,000
11. Erection of a Public Aquarium ..	175,000
12. Replacement of the S.T. "Nautilus" (Department of Fisheries) ..	150,000
13. Improvements to existing salterns and construction of brine tanks ..	100,000
14. Plants for manufacture of refined salt, &c., and of caustic soda and chloride of lime	185,000
15. Out-Patient Dispensary for Colombo ..	750,000
16. Hospital for Incurables	150,000
17. Leper Hospital	330,000
18. Mental Hospital	325,000
19. Acquisition of land for building quarters for the resident staff of the General Hospital who now live in rented buildings ..	500,000
20. Acquisition of land in Colombo for reclamation	600,000
21. Extension to Library, University College ..	200,000
22. Extension of the Colombo Museum ..	300,000
23. State Council and Secretariat Buildings ..	3,701,297
Roads and Bridges	
24. High-Level Road to Avissawella ..	2,616,747
25. Alawwa Bridge	358,833
26. Widening Colombo-Galle Road ..	5,250,000
27. Hayes-Lauderdale Road	50,000
Water Supply Scheme	
28. Water Supply, Trincomalee ..	1,000,000
Post and Telegraph	
29. New Workshops and new Sorting Office, Colombo	1,000,000
30. New Post Offices and Postal Buildings in different parts of the Island ..	500,000
31. Modernizing the existing telephone system, including buildings, and extensions to the existing Government Telephone Systems	3,177,000
32. Radio Development	245,000
Colombo Port Commission	
33. Oil Dock, Deep Water Quay, &c. ..	12,000,000
34. Two new Tugs	1,000,000
35. Lebnitz Rock Breaker	300,000
36. New Caisson for Graving Dock ..	400,000
37. Third Lock and Bridge at McCallum Road	670,000
38. Deepening Colombo Harbour ..	860,000
39. Rock removal	380,000
40. Extension to Graving Dock ..	1,120,000

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I	II
	Rs.
Electrical Undertakings	
41. Hydro-Electrical Scheme and other Electrical extensions and new works ..	24,000,000
Irrigation Works	
42. Irrigation Schemes	15,150,000
Miscellaneous	
43. Government Model Farms ..	1,000,000
44. Industrial Development	3,000,000
45. Water Supply Schemes	7,500,000
46. New roads and bridges and other works of development	4,221,123
	100,000,000

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CHAPTER 414

FINANCIAL RESERVES

Ordinances Nos. 16 of 1944, 9 of 1946.

AN ORDINANCE TO MAKE PROVISION FOR THE MAINTENANCE AND DISPOSAL OF FINANCIAL RESERVES.

[*2nd May, 1944.*]

Short title.

1. This Ordinance may be cited as the Financial Reserves Ordinance.

Maintenance of financial reserves.

2. (1) Where the House of Representatives,[1] by resolution passed at any time before the public accounts of Ceylon for any financial year are laid before the House of Representatives,[1] sets apart as a financial reserve any moneys out of such part of the Consolidated Fund[1] and other funds of Ceylon as may remain unappropriated, or unexpended out of any appropriation, at the close of that financial year, such resolution shall be sufficient authority for the Deputy Secretary to the Treasury[1] for—

(*a*) maintaining such moneys as a reserve, or adding such moneys to any previous reserve of the same description ;

(*b*) crediting to that reserve any interest or profits derived from the investment of the reserve or any part thereof, where such crediting of interest or profits is required by the terms of the resolution ; and

(*c*) keeping such accounts relating to that reserve as may in his opinion be necessary for giving effect to the resolution.

(2) A financial reserve set apart as provided in this section shall be classified as a special reserve or as a general reserve according as the resolution relating to that reserve does or does not specify the purpose or purposes for which it is set apart.

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Application or transfer of financial reserves.

3. (1) Where a special reserve has been set apart as provided by section 2, a resolution in appropriate terms, passed by the House of Representatives,[1] shall be sufficient authority for the Deputy Secretary to the Treasury[1] for making—

(*a*) any payment in respect of any expenditure specified in the resolution, for the purpose or any of the purposes for which the reserve was set apart ; or

(*b*) a transfer of any sum so specified to any other financial reserve so specified or to the Consolidated Fund.[1]

(2) Where a general reserve has been set apart as provided by section 2, a resolution in appropriate terms, passed by the House of Representatives,[1] shall be sufficient authority for the Deputy Secretary to the Treasury[1] for making a transfer of any sum specified in the resolution from that reserve to the Consolidated Fund.[1]

Additional provisions as to utilization of special reserves.
[§ 2, 9 of 1946.]

4. Where the expenditure of any sum forming the whole or any part of a special reserve has been authorized by resolution of the House of Representatives[1] under section 3—

(*a*) all payments necessary for such expenditure shall, as far as possible, be made by the Deputy Secretary to the Treasury[1] directly out of the moneys forming that special reserve, and the accounts opened in respect of that reserve shall, irrespective of the financial year in which such payments are made, be kept in such manner as to show the amount which has been expended under the authority of that resolution, and the amount which remains of that reserve, at any given time ;

(*b*) if any moneys forming part of that reserve are not immediately available for such expenditure at any time, the Deputy Secretary to the Treasury[1] may make the necessary payment by way of advance out of the Consolidated Fund[1] or other funds of Ceylon and may

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make good to the Consolidated Fund[1] or other funds the amount of any payment so made by recovering it from the moneys forming part of that reserve when such moneys are available ; and

(c) any balance which may remain unexpended out of such sum shall not be deemed to lapse into the surplus balances of the Consolidated Fund[1] or to be available for appropriation for the ordinary expenditure of Ceylon for any year, but shall continue to form part of that reserve, until it is transferred to any other special reserve or to the Consolidated Fund[1] of Ceylon by resolution of the House of Representatives[1] under section 3.

Application of Ordinance to certain funds in existence at the date of the commencement of the Ordinance.

5. (1) Each of the following funds in existence at the date of the commencement of this Ordinance, that is to say :—

(a) the General Reserve Fund,

(b) the Department of Government Electrical Undertakings Reserve, Extensions and Renewals Fund, and

(c) the Ceylon University Building and Equipment Fund,

shall be deemed for all the purposes of this Ordinance to be a financial reserve set apart as provided in section 2, and the provisions of this Ordinance shall apply thereto accordingly.

(2) In the case of the Ceylon University Building and Equipment Fund referred to in subsection (1), all interest and profits arising from the investment thereof shall be credited thereto.

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CHAPTER 415

CONTINGENCIES FUND

AN ACT TO CREATE A CONTINGENCIES FUND AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

Act No. 14 of 1948.

[*8th July, 1948.*]

Short title.

1. This Act may be cited as the Contingencies Fund Act.

Contingencies Fund.

2. (1) The sum of Rs. 250,000 specified in the item "Head 36, Miscellaneous Services Vote 4" in the Schedule to the Appropriation Act, No. 1 of 1948, shall be deemed to be part of a Contingencies Fund, which is hereby created for use in the circumstances and in the manner set out in section 68 of the Ceylon (Constitution) Order in Council, 1946. The Contingencies Fund so created is hereinafter referred to as "the Fund".

(2) There shall be credited to the Fund all such moneys as may from time to time be voted by Parliament as allocations to the Fund.

(3) Any payment heretofore made out of the sum of Rs. 250,000 referred to in subsection (1) shall be deemed to be an advance made from the Fund.

Custody and accounts of the Fund.

3. The Deputy Secretary to the Treasury shall have the custody of the Fund and shall keep the accounts relating thereto.

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CHAPTER 416

COLONIAL TREASURY BILLS

Ordinance No. 7 of 1923, *Act* No. 51 of 1954.

AN ORDINANCE TO PROVIDE FOR THE ISSUE OF TREASURY BILLS BY THE CROWN AGENTS IN LONDON ON BEHALF OF THE GOVERNMENT OF CEYLON.

[*31st July, 1923.*]

Short title.

1. This Ordinance may be cited as the Colonial Treasury Bills Ordinance.

Power to borrow by the issue of Treasury Bills. [§ 2, 51 of 1954.]

2. The Minister of Finance [1] whenever authorized thereto by a resolution of the House of Representatives [1] may request the Crown Agents for Oversea Governments and Administrations to borrow by the issue in London of Ceylon Government Treasury Bills, sums not exceeding the amount specified in such resolution ; and the Crown Agents may also, with the approval of the Minister of Finance, [1] borrow from time to time by the issue of such Treasury Bills, such sums as may be required to pay off at maturity, bills already lawfully issued by them and outstanding.

Principal of bills.

3. The principal moneys represented by the Treasury Bills issued under the provisions of this Ordinance are hereby charged upon and shall be payable out of the Consolidated Fund [1] and assets of Ceylon.

Proceeds of bills. [§ 2, 51 of 1954.]

4. The proceeds of the issue of the Treasury Bills shall be paid into the general account of Ceylon with the Crown Agents for Oversea Governments and Administrations.

Amounts and period of currency of bills.

5. Every Treasury Bill issued under this Ordinance shall be for the sum of one thousand pounds or a multiple of one thousand pounds and shall be payable at par at such time or times as the Minister of Finance [1]

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or the Crown Agents for Oversea Governments and Administrations on his behalf shall before the issue of such Treasury Bills, fix and determine, but not later than one year from the date of issue. [§ 2, 51 of 1954.]

Repayment of bills.

6. [1] The sum necessary to pay the principal represented by the Treasury Bills shall be appropriated out of the Consolidated Fund and shall be remitted to the Crown Agents for Oversea Governments and Administrations in London at such time as will enable them to pay the said principal at their office in London when the Treasury Bills fall due. [§ 2, 51 of 1954.]

Cancellation of repaid bills.

7. Upon repayment of the principal moneys represented by the Treasury Bills, the bills shall be delivered up to the Crown Agents, to be by them cancelled and forwarded to the Government of Ceylon.

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CHAPTER 417

LOCAL TREASURY BILLS

Ordinance No. 8 of 1923, *Act* No. 35 of 1953.

AN ORDINANCE TO PROVIDE FOR THE BORROWING OF MONEY BY THE ISSUE OF TREASURY BILLS IN CEYLON.

[*31st July, 1923.*]

Short title.

1. This Ordinance may be cited as the Local Treasury Bills Ordinance.

Power to borrow by the issue of Treasury Bills, &c.

2. (1) The Minister of Finance[1] whenever authorized thereto by a resolution of the House of Representatives[1] may direct the Deputy Secretary to the Treasury[1] to borrow by the issue in Ceylon of Ceylon Government Treasury Bills, sums not exceeding the amount specified in such resolution; and the Deputy Secretary to the Treasury[1] may also, with the approval of the Minister of Finance,[1] borrow from time to time by the issue of such Treasury Bills, such sums as may be required to pay off at maturity, bills already lawfully issued by him and outstanding.

[§ 2, 35 of 1953.]

(2) All acts or things necessary for the purpose of, and in connexion with, the issue and repayment of Treasury Bills under this Ordinance shall be done on behalf of the Deputy Secretary to the Treasury by an officer of the Central Bank authorized in that behalf by the Monetary Board of that bank.

[§ 2, 35 of 1953.]

(3) Every Treasury Bill issued under this Ordinance shall bear the signature in facsimile of the Deputy Secretary to the Treasury.

Principal of bills.

3. The principal moneys represented by the Treasury Bills issued under the provisions of this Ordinance are hereby charged upon and shall be payable out of the Consolidated Fund[1] and assets of Ceylon.

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4. The proceeds of the issue of the Treasury Bills shall be paid into the Treasury. Proceeds of bills.

5. Every Treasury Bill issued under this Ordinance shall be for the sum of one thousand rupees or a multiple of one thousand rupees and shall be payable at par at such time or times as the Minister of Finance [1] shall before the issue of such Treasury Bills fix and determine, but not later than one year from the date of issue. Amounts and period of currency of bills.

6. [1] There shall be appropriated out of the Consolidated Fund the necessary sum to pay the principal represented by the Treasury Bills, and the Deputy Secretary to the Treasury shall pay the said principal at the Treasury in Colombo when the Treasury Bills fall due. Repayment of bills.

7. Upon repayment of the principal moneys represented by the Treasury Bills, the bills shall be delivered up to the Central Bank to be by that bank cancelled and retained on behalf of the Government of Ceylon. Cancellation of repaid bills.

[§ 3, 35 of 1953.]

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CHAPTER 418

GENERAL LOAN AND STOCK

Ordinances Nos. 5 of 1921, 6 of 1928, 29 of 1935, 12 of 1937, *Act* No. 1 of 1950.

AN ORDINANCE TO DECLARE THE TERMS AND CONDITIONS APPLICABLE TO LOANS AUTHORIZED TO BE RAISED BY THE GOVERNMENT OF CEYLON AND TO PROVIDE FOR THE CREATION OF CEYLON STOCK.

[*16th February, 1921.*]

Short title.

1. This Ordinance may be cited as the General Loan and Stock Ordinance.

Loans to be raised by debentures or stock.

2. Whenever by any enactment authority shall have been given, or shall hereafter be given, to raise any sum of money for the purposes mentioned in such enactment, the Minister of Finance [1] or the Crown Agents acting on his behalf, may from time to time, as he or they may deem expedient, raise such sum either by debentures or by Ceylon stock, or partly by debentures and partly by stock.

Loans to be a charge upon Consolidated Fund.

3. The principal moneys and interest represented by the debentures or stock issued under the provisions of this Ordinance are hereby charged upon and shall be payable out of the Consolidated Fund [1] and assets of Ceylon.

Borrowing upon debentures.

4. When the Minister of Finance,[1] or the Crown Agents acting on his behalf, shall deem it expedient to raise money by debentures such debentures shall be issued in London, on behalf of the Government of Ceylon by the Crown Agents, upon the best and most favourable terms that can be obtained, and shall be signed by any one of them on that behalf.

Amount of each debenture.

5. Every debenture issued under the provisions of this Ordinance shall be for the sum of not less than one hundred pounds sterling.

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Redemption of debentures.

6. The debentures shall be redeemable either—

(*a*) at par on a fixed date to be declared at the time of issue of the debentures, such date being not later than sixty years from the date of the issue :

Provided that the Minister of Finance [1] or the Crown Agents acting on his behalf may reserve the option to redeem the debentures at some earlier date on such conditions as may be declared at the time of issue ; or

(*b*) by annual drawings at par, or at the option of the Minister of Finance [1] or the Crown Agents acting on his behalf of purchase at or below par.

Interest coupons.

7. There shall be attached to every debenture coupons for the payment of the interest to become due in each half-year upon the principal represented by the debenture. The coupons shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the debenture has to run, or for such limited period as the Crown Agents, acting on behalf of the Government of Ceylon, may determine.

Form of debentures and coupons.

8. The debentures, and the coupons thereto, shall be in such form as the Minister of Finance, [1] or the Crown Agents acting on his behalf, may direct or approve.

Debentures and coupons transferable by delivery.

9. Every debenture and coupon, and the right to receive the principal and interest represented thereby, shall be transferable by delivery.

Registry of debentures.

10. Every debenture shall, before being issued, be registered in a register book to be kept for that purpose at the office in London of the Crown Agents.

Payment of interest.

11. The interest upon the principal represented by each debenture shall run from the day named in that behalf in the debenture, and shall be paid half-yearly on the days named in that behalf in the debenture at the office in London of the Crown Agents.

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Mode of providing for payment of interest on debentures.

12. (1)[1] So long as any of the debentures remain outstanding, there shall in each half-year ending with the day on which the interest on the debentures falls due, be appropriated out of the Consolidated Fund and assets of Ceylon a sum equal to one half-year's interest on the whole of the debentures issued, including any which may have been redeemed, but exclusive of any which may have been at any time exchanged for stock, and that sum shall be remitted to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day on which it falls due.

(2) Debentures shall not be deemed to be outstanding for the purpose of this Ordinance by reason only that one or more of the debentures have not been presented for payment on the day appointed for payment, and have, in consequence, not been paid.

Further sums to be remitted for the redemption of debentures.

13.[1] There shall, in the half-year ending on the date specified in the terms of issue of the loan as that on which the first contribution to the sinking fund shall be taken, and in each subsequent half-year, be appropriated out of the said Consolidated Fund and assets of Ceylon for the formation of a sinking fund an additional sum equal to one-half of the annual contribution specified in the prospectus, or in the case of a loan not issued publicly, in the terms of issue, relating to the loan, and the said contribution shall be in respect of the total nominal amount of all the debentures issued, including any which may have been redeemed, but exclusive of any which may have been at any time exchanged for stock, and that sum shall be remitted to the Crown Agents with the remittance herein before mentioned.

Application of sinking fund.

14. The sinking fund shall be applied in the first place in payment of all expenses of, or incidental to, the redemption of the debentures, and the cost and expenses of all notices required by this Ordinance to be given, and in the next place, and subject to the aforesaid payments, in repayment of the principal moneys for the time being represented by the debentures.

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Creation of sinking fund for redemption of debentures payable on a fixed date.

15. In the case of debentures redeemable on a fixed date the Crown Agents shall invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year in the purchase of such securities as may be approved by a Secretary of State[3] as a sinking fund for the final extinction of the debt, and the Crown Agents shall also invest the dividends, interest, or produce of such investments in the purchase of like securities, and may from time to time, with the approval of a Secretary of State,[3] change any such investments, and shall hold such fund in trust for the repayment of the principal moneys for the time being represented by the debentures.

Disposal of sinking fund when debentures are redeemed by purchase or by annual drawings.

16. In the case of debentures redeemable by annual drawings, the Crown Agents shall place and keep the moneys so remitted to them, or so much thereof as may not be required for immediate payments, at interest, and shall hold all such moneys and the accumulations thereon in trust, to apply them in the first place to the purchase of the debentures when they can be obtained at a price not exceeding par, and secondly, to the redemption of the debentures by means of annual drawings.

Appointment of day for drawing of debentures.

17. After the date specified in the Ordinance authorizing a loan as that on which the contributions to the sinking fund shall commence in respect of that loan, and so long thereafter as any of the debentures remain outstanding and unsatisfied, the Crown Agents shall in every year, unless the whole of the money applicable in that year to the redemption of debentures has been applied in the purchase thereof, appoint a day in that year for the drawing by lot of the debentures to be redeemed.

Notice of time and place appointed for drawing.

18. If a day is appointed for drawing, the Crown Agents shall give, by advertisement in the London *Times* newspaper, not less than fifteen days' previous notice, specifying the day on which, and the hour and place at which, the drawing will take place.

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Mode of drawing.

19. On the day and at the hour and place so specified the Crown Agents shall hold a meeting, at which the holder of any debenture may, if he think fit, be present, and shall then in the presence of such debenture holders, if any, as may attend, and of a notary public, draw by lot out of the whole number of debentures for the time being outstanding debentures of the specified nominal amount.

Notice of debentures drawn for redemption.

20. The Crown Agents shall thereupon declare the distinguishing numbers of the debentures drawn for redemption, and shall as soon as may be, by advertisement in the London *Times* newspaper, specify those numbers, and appoint a day, not being later as to each debenture than the day on which the then current half-year's interest thereon is payable, on which the principal moneys represented by the debentures so distinguished will be repaid.

Payment of drawn debentures.

21. On the day so appointed the Crown Agents shall, at their office in London, on demand, pay to the holders of the debentures drawn for repayment the principal moneys represented by those debentures, with all interest payable thereon up to that day.

Cesser of interest from day appointed for payment of principal.

22. From and after the day appointed for the repayment of any debenture all interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Redeemed debentures to be cancelled.

23. Upon the repayment of the principal moneys represented by any debenture, the debenture with all the coupons thereunto belonging shall be delivered up to the Crown Agents, to be by them cancelled and disposed of in such manner as the Minister of Finance[1] or the Crown Agents acting on his behalf may decide. Any debenture redeemed by purchase shall be cancelled and disposed of in like manner.

Borrowing upon stock.

24. When the Minister of Finance,[1] or the Crown Agents acting on his behalf, shall deem it expedient to raise money by the issue of Ceylon stock, then such

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stock shall be issued in England by the Crown Agents under the provisions of the Act of the Parliament of the United Kingdom entitled " The Colonial Stock Act, 1877 ", upon the best and most favourable terms that can be obtained.

(40 & 41 Vict. c. 59.)

Redemption of stock.

25. (1) All the stock which may be created under the provisions of this Ordinance shall be redeemable at par on a date to be named in that behalf by the Crown Agents when issuing the stock, such date not being later than sixty years from the date of issue :

Provided that the Minister of Finance[1] or the Crown Agents acting on his behalf may reserve the option to redeem the stock in whole or in part, by drawings or otherwise, at any time prior to such date on such conditions as may be declared at the time of issue.

(2) From and after the date appointed for the redemption of the stock or any part of it all the interest on the principal moneys represented thereby shall cease and determine whether payment of the principal shall have been demanded or not.

Mode of providing for the payment of interest on stock.

26.[1] So long as any of the stock shall remain unredeemed, there shall, in each half-year ending with the day on which the interest on such stock falls due, be appropriated out of the Consolidated Fund and assets of Ceylon a sum equal to one half-year's interest on the whole of such stock, and that sum shall be remitted to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day when it falls due.

Mode of providing for repayment of principal of stock.

27.[1] There shall, in the half-year ending on the date specified in the terms of issue of the loan as that on which the first contribution to the sinking fund shall be taken, and in each subsequent half-year, be appropriated out of the said Consolidated Fund and assets of Ceylon for the formation of a sinking fund an additional sum equal to one-half of the annual contribution specified in the prospectus or in the case of a loan not issued publicly, in the terms of issue, relating to

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the loan in respect of the total nominal amount of such stock including any such stock as may at any time have been issued in exchange for debentures under the authority of this Ordinance, and that sum shall be remitted to the Crown Agents with the remittance herein before mentioned.

Creation of sinking fund.

28. The Crown Agents shall, for the purpose of forming such sinking fund, from time to time invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year in the purchase of such securities as may from time to time be approved by a Secretary of State [5] and shall also invest the dividends, interest, or produce of such investments in the purchase of like securities, and may from time to time, with the approval of a Secretary of State,[6] change any such investments, and shall hold such fund in trust for repayment of the principal moneys for the time being represented by the stock.

Charge upon Consolidated Fund.

29. [1] In case the sinking funds provided for by this Ordinance shall be insufficient for the payment of all the principal moneys borrowed under the authority of this Ordinance at the time the same shall have become due, the deficiency shall be made good out of the Consolidated Fund and assets of Ceylon.

Cesser of sinking fund contribution.

30. Notwithstanding anything to the contrary contained in this Ordinance, if at any time the trustees of the sinking fund of any loan (other than a debenture loan redeemable by annual drawings or by purchase in the market) issued under the provisions of this Ordinance or the General Loan and Inscribed Stock Ordinance, 1907, * or to be issued under the provisions of this Ordinance are satisfied that the value of the sinking fund will be sufficient with further accumulations of interest but without further payments of contributions to enable the loan to be redeemed out of the proceeds of the sinking fund when the same shall fall due to be redeemed, the

* Repealed by Ordinance No. 5 of 1921.

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Minister of Finance[1] may with the approval of a Secretary of State[6] suspend further payments of contributions to the said sinking fund :

Provided always that contributions to the sinking fund shall be recommenced if the trustees shall at any time inform the Minister of Finance[1] that it is necessary.

Expenses to be paid out of sinking fund.

31. All expenses of, or incidental to, the management of the sinking fund, or to the payment of the principal moneys borrowed, shall be paid out of the sinking fund.

Minister's powers in regard to loans.

32. The Minister of Finance[1] shall also have and may from time to time exercise the following powers and authorities or any of them :—

Debentures convertible into stock on conditions prescribed by Crown Agents at time of issue.

(*a*) he may authorize the Crown Agents when issuing any loan in the form of debentures to declare that such debentures will be convertible into stock at such dates and on such terms and conditions as may be prescribed by the Crown Agents at the time of the issue of the debentures ;

Conversion of loans generally.

(*b*) he may declare all or any of the Ceylon loans, whether existing in the form of stock or debentures, to be convertible into stock to be issued under the provisions of this Ordinance ;

Creation and issue of stock in exchange for other securities.

(*c*) he may authorize the creation and issue of such an amount of stock in exchange for the securities held for such loans as may be necessary ;

Creation and sale of stock to raise loans and for other purposes.

(*d*) he may authorize the creation and sale of any such stock or debentures for the purpose of raising money for redeeming any outstanding loans, whether issued before or after the commencement of this Ordinance, for paying any expense in the creation of stock, and otherwise for carrying out the provisions of this Ordinance ;

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Arrangements for conversion.

(*e*) any conversion so authorized may be effected either by an arrangement with the holders of existing securities or by purchase thereof out of moneys raised by the sale of stock, or partly in one way and partly in the other.

Exchange of securities for stock.

33. Nothing in this Ordinance contained shall authorize an increase of the capital or of the annual charge on any loan, except—

(*a*) when securities exchanged for stock bear a rate of interest not less than the stock, an additional amount of stock may be created and issued to make up the difference in saleable value between the securities and the stock ;

(*b*) in the case of the conversion of securities into stock, the Crown Agents shall issue such an amount of stock as may be required to defray the stamp duties and all other expenses incidental to the conversion ;

(*c*) in accordance with such terms and conditions as may be prescribed under section 32 (*a*) of this Ordinance.

Converted securities to be cancelled.

34. The securities exchanged or otherwise converted into stock under the provisions of this Ordinance shall be forthwith cancelled by the Crown Agents, and the debentures surrendered shall be cancelled and transmitted to the Governor-General. [3]

Trustees to apportion amount of sinking fund released by conversion.

35. The trustees of the sinking fund appointed under this Ordinance, and acting under any enactment authorizing the issue of any securities which may be exchanged into stock or cancelled or purchased under the provisions of this Ordinance, shall determine what amount of the sinking fund held by them and created for repayment of such securities shall be released, and in the determination of such question the trustees shall take into consideration the value of the whole investments held by them on account of such sinking funds,

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the amount of the debt remaining a charge on such sinking funds and such matters as the trustees may think fit to take into account.

Sinking funds released how to be disposed of.

36. [1] So much of the sinking funds as may be released shall either be transferred unto the trustees of the stock sinking fund, or be disposed of as the House of Representatives may by resolution direct.

Creation, inscription, issue, conversion, and transfer of stock.

37. The Crown Agents may from time to time, at the request of the Minister of Finance, [1] make arrangements for all or any of the following things :—

(*a*) for inscribing stock in their books ;

(*b*) for managing the creation, inscription, registration and issue of stock ; [§ 3, 1 of 1950.]

(*c*) for the issue of certificates of title in respect of holdings of stock ; [§ 3, 1 of 1950.]

(*d*) for effecting the conversion of loans into stock ;

(*e*) for paying interest on stock and managing the transfers thereof ;

(*f*) for issuing stock certificates to bearer, and as often as occasion shall require re-inscribing them.

Raising of loans in Ceylon.

38. This Ordinance shall be applicable only to the raising of loans in England, and nothing in this Ordinance contained shall prevent the raising of loans in Ceylon upon such terms and conditions as shall be specified in any enactment authorizing the raising of such loans.

Exemption of debentures and stock from taxes, duties and levies in certain cases.

39. (1) Where any loan charged on the public revenue of Ceylon has been issued prior to the 9th day of February, 1932, in the form of debentures or stock, any new debentures or stock issued or to be issued in conversion of or for the purpose of redeeming any such debentures or stock, together with the interest on such new debentures or stock, may, by

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resolution passed by the House of Representatives,[1] be exempted with effect from a date specified in such resolution from all taxes, duties and levies payable or recoverable under any written law for the time being in force in Ceylon.

(2)[1] Where by any written law or by resolution of the State Council, any debentures or stock have been exempted from any taxes, duties or levies, any new debentures or stock issued or to be issued in conversion of or for the purpose of redeeming the debentures or stock so exempted, together with the interest on such new debentures or stock, may, by resolution passed by the House of Representatives be exempted with effect from a date specified in such resolution from all taxes, duties and levies payable or recoverable under any written law for the time being in force in Ceylon.

(3) It shall be lawful to specify in any resolution of the House of Representatives[1] under subsection (1) or subsection (2) any date prior to the date on which that resolution is passed.

(4) Every resolution under subsection (1) or subsection (2) shall be published in the Gazette ; and the debentures or stock expressed by that resolution to be exempted from all taxes, duties and levies payable or recoverable under any written law for the time being in force shall, together with the interest on such debentures or stock, be exempt from all such taxes, duties and levies with effect from the date specified in the resolution.

Exemption of 3 per cent. Stock, 1959-1964, from taxes.

40. Notwithstanding anything in any written law to the contrary, Ceylon Government 3 per cent. Stock, 1959-1964, whether issued in conversion of any part of the Ceylon Government 6 per cent. Stock, 1936-1951, or for cash, shall, together with the interest on such afore-mentioned 3 per cent. stock be exempt with effect from the date of the issue thereof from all taxes, duties or levies payable or recoverable under any written law for the time being in force in Ceylon.

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Saving clause.

41. Nothing in this Ordinance, or in the repeal of Ordinance No. 19 of 1884, * or of "The General Loan and Inscribed Stock Ordinance, 1907", † shall affect the rights of any person who holds stock or bonds under the authority of Ordinance No. 19 of 1884, * or of "The General Loan and Inscribed Stock Ordinance, 1907". †

Interpretation.

42. In this Ordinance, unless the context otherwise requires—

"Crown Agents" means the person or persons for the time being acting as Crown Agents for Oversea Governments and Administrations in England.

* Repealed by Ordinance No. 22 of 1907.
† Repealed by Ordinance No. 5 of 1921.

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CHAPTER 419

STOCK

Act No. 1 of 1950.

AN ACT TO GIVE THE AUTHORITY REQUIRED BY SECTION 1 OF THE COLONIAL STOCK ACT, 1948, OF THE PARLIAMENT OF THE UNITED KINGDOM FOR THE MAKING OF REGULATIONS ENABLING THE TRANSFER BY INSTRUMENT IN WRITING OF CEYLON STOCK ISSUED IN ENGLAND UNDER THE COLONIAL STOCK ACT, 1877, OF THE PARLIAMENT OF THE UNITED KINGDOM.

[*16th February, 1950.*]

Short title.

1. This Act may be cited as the Stock Act.

Grant of the authority required by section 1 of the Colonial Stock Act, 1948.

(12, 13 & 14 Geo. vi, c. 1.)

2. Authority is hereby given for the making of regulations under section 16 of the Colonial Stock Act, 1877, of the Parliament of the United Kingdom, to provide that, in accordance with section 1 of the Colonial Stock Act, 1948, of the Parliament of the United Kingdom, stock created under the provisions of the General Loan and Inscribed Stock Ordinance, No. 5 of 1921, and issued under the provisions of the first-mentioned Act before the aforesaid Colonial Stock Act, 1948, came into force, shall be transferable by instrument in writing in accordance with the regulations and in no other manner.

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CHAPTER 420

REGISTERED STOCK AND SECURITIES

AN ORDINANCE TO MAKE PROVISION FOR THE CREATION AND ISSUE OF REGISTERED STOCK, GOVERNMENT PROMISSORY NOTES AND BEARER BONDS FOR THE PURPOSE OF RAISING LOANS IN CEYLON.

Ordinance No. 7 of 1937, *Act* No. 58 of 1949.

[*1st April, 1937.*]

Short title.

1. This Ordinance may be cited as the Registered Stock and Securities Ordinance.

Issue of registered stock, promissory notes, and bearer bonds for the purpose of raising authorized loans.

2. (1) Whenever by any enactment, whether enacted before or after the date on which this Ordinance comes into operation, authority has been or is hereafter given to raise any sum of money by way of loan for any purpose mentioned in that enactment, or whenever it is necessary to raise any sum of money for the purpose of repaying any loan raised by the Government under this Ordinance or any other enactment, the Minister of Finance[1] may from time to time raise such sum or any part thereof under the provisions of this Ordinance in any one or more of the following modes:—

(*a*) by the creation and issue of registered stock;

(*b*) by the issue of securities in the form of Government promissory notes;

(*c*) by the issue of securities in the form of bearer bonds.

(2) Registered stock or securities issued under this Ordinance for the purpose of raising any specified sum of money shall be deemed to be stock or securities issued in respect of a separate loan notwithstanding that the sum of money so raised is part only of a sum of money authorized by any other enactment to be raised by way of a loan.

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Loans to be a charge upon Consolidated Fund.

3. The principal moneys and interest represented or secured by any registered stock or securities issued under this Ordinance are hereby charged upon and shall be payable out of the Consolidated Fund [1] and assets of Ceylon.

Minister of Finance to specify mode of raising loan and other particulars.

4. (1) The Minister of Finance [1] shall, in respect of each loan to be raised under this Ordinance, specify by Order published in the Gazette—

(*a*) the sum of money to be raised by that loan;

(*b*) the mode or modes of raising the loan;

(*c*) the rate of interest payable on the loan;

(*d*) the dates in each year on which the half-yearly interest on the loan shall be payable;

(*e*) the rate at which a half-yearly appropriation out of the Consolidated Fund [1] and assets of Ceylon shall be made as a contribution to the sinking fund established for the purpose of redeeming that loan and the date from which such contributions shall commence;

(*f*) the date of redemption of the registered stock or securities to be issued for the purpose of raising that loan.

(2) The date of redemption of any registered stock or securities shall not be later than sixty years from the date of issue of such stock or securities.

(3) Where the Minister of Finance [1] deems it expedient to reserve an option to redeem any registered stock or securities at any date earlier than the date of redemption specified for such stock or securities by the Order under subsection (1), he shall by that Order further specify the terms and conditions on which such stock or securities may be redeemed at any earlier date.

Registrar to make necessary arrangements.

5. Upon the publication under section 4 of an Order of the Minister of Finance [1] in respect of any loan to be raised under this Ordinance, the Registrar may, subject to the provisions of that Order and to such further

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directions as the Minister of Finance [1] may issue in that behalf, make all such arrangements as may be necessary to raise that loan upon the most favourable terms that can be obtained.

Registered Stock

Register of stock.

6. The Registrar shall keep a register in respect of each issue of registered stock under this Ordinance.

Liability of Government in respect of issue of registered stock.

7. The Government of Ceylon shall be bound to pay to the person registered for the time being as the owner of any registered stock (hereinafter called the "stockholder"), the principal sum represented by that stock and the interest due thereon, in accordance with the provisions of this Ordinance, at the rate and on the dates specified by the Minister of Finance [1] by Order under section 4 or in pursuance of an option to redeem such stock reserved in that Order.

Stockholders.

8. For the purposes of this Ordinance, no person shall be entitled to any registered stock unless he is registered as a stockholder.

Registration of first stockholders.

9. No person shall be registered as the first stockholder of any registered stock except upon payment in full of the purchase price of that stock.

Stock certificates.

10. Every stockholder shall be entitled to obtain from the Registrar a stock certificate, that is to say, a certificate of the registration in the register of the name of that stockholder as the owner of the stock specified in that certificate. No stockholder of any stock, other than the first stockholder of that stock, shall be entitled to obtain a stock certificate except upon payment of the prescribed fee.

Transfer of registered stock.

11. (1) For the purposes of this Ordinance, the title of any stockholder to any registered stock shall not be deemed to be transferred to any other person except upon the execution of an instrument in writing

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signed by the stockholder and the transferee and upon the registration of that transferee as the stockholder in the manner hereinafter provided.

(2) Interest which has fallen due in respect of any registered stock but which has not been paid to the stockholder for the time being shall not be deemed to be payable to a transferee of that stock unless the instrument of transfer expressly provides for the payment of that interest to that transferee.

Registration of transfers of stock.

12. No person shall be registered as the transferee of any registered stock except upon payment of the prescribed fee and surrender to the Registrar of the stock certificate and the instrument of transfer relating to that stock.

Payment of interest to joint stockholders.

13. (1) Where two or more persons are registered as joint holders of any stock, it shall be lawful for the Registrar to pay any interest due thereon to the person whose name appears first in the register among those joint holders :

Provided, however, that where one or more of the joint holders, including the person whose name appears first in the register, is dead or under any legal disability, it shall be lawful for the Registrar on proof to his satisfaction of such death or disability, to pay such interest to that person whose name appears first on the register among the surviving joint holders or among the joint holders who are not under any such disability ;

Provided, further, that if the first of such joint holders or, if that joint holder is dead or under any legal disability, then if the first of the surviving joint holders or the first of the joint holders who are not under legal disability requests the Registrar in writing to pay the interest due on such stock to any specified person, it shall be lawful for the Registrar to pay such interest to that person accordingly.

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(2) Nothing herein contained shall affect the rights of joint holders of any registered stock *inter se* or any claim which the representative of a deceased person may have against the survivor or survivors under or in respect of any registered stock to which subsection (1) applies.

Closing of register.

14. The register of stock shall be closed for a period of fourteen days immediately preceding each date on which interest on that stock falls due ; and no transfer of that stock shall be registered during that period.

Alteration of register.

15. (1) No alteration shall be made in the register of stock except for the purpose of effecting or recording—

(*a*) a transfer of registered stock ;

(*b*) an exchange of registered stock for securities or of securities for registered stock ;

(*c*) a subdivision or consolidation of registered stock ;

(*d*) a devolution or vesting of title to registered stock on or in any person by reason of the death or insolvency of a stockholder or otherwise ;

(*e*) a seizure or sequestration of stock by process of law ;

(*f*) a change in the name, title or designation of any stockholder :

Provided that the Registrar may at any time alter the register for the purpose of correcting any bona fide clerical or arithmetical error.

(2) No alteration shall be made in the register except upon—

(*a*) application made in such form as the Registrar may provide ;

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(*b*) proof to the satisfaction of the Registrar of the facts stated in the application and of any other matters relevant thereto ; and

(*c*) payment of the prescribed fee.

Register to be conclusive evidence of facts entered therein.

16. The entries in the register of stock kept under this Ordinance shall be conclusive evidence of the facts, matters, particulars, and transactions to which those entries relate :

Provided that nothing herein contained shall affect the provisions of the Proof of Public Documents Ordinance.

Government Promissory Notes

Government promissory notes.

17. (1) Every promissory note shall be signed by the Registrar for and on behalf of the Government of Ceylon and shall, when issued, bind the Government of Ceylon to pay the principal sum mentioned in that note and the interest thereon in accordance with the provisions of this Ordinance, at the rate and on the dates specified in the Order of the Minister of Finance [1] under section 4 or in pursuance of an option to redeem such notes reserved in that Order.

(2) Promissory notes shall be issued in such denominations as the Minister of Finance [1] may direct.

(3) The provisions of section 10 of the Money Lending Ordinance shall have no application to any promissory note issued under this Ordinance.

Manner and effect of indorsement.

18. Notwithstanding anything in the Bills of Exchange Ordinance—

(*a*) no indorsement of a Government promissory note shall be valid unless made by the signature of the holder written on the back of the note in one of the spaces provided for that purpose ;

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(*b*) a person shall not, by reason only of his having indorsed a Government promissory note, be liable to pay any money due either as principal or as interest thereon.

Right of survivors of joint or several payees of promissory notes.

19. (1) Notwithstanding anything in any law to the contrary—

(*a*) when a promissory note is payable to two or more persons jointly, and either or any of them dies, the note shall be payable to the survivor or survivors of those persons ; and

(*b*) when a promissory note is payable to two or more persons severally, and either or any of them dies, the note shall be payable to the survivor or survivors of those persons, or to the representative of the deceased, or to any of them.

(2) Nothing herein contained shall affect any claim which any representatives of a deceased person may have against the survivor or survivors under or in respect of any promissory note to which subsection (1) applies.

BEARER BONDS

Bearer bonds.

20. (1) Every bearer bond shall be signed by the Registrar for and on behalf of the Government of Ceylon and shall, when issued, bind the Government of Ceylon to pay the principal sum mentioned in that bond and the interest thereon in accordance with the provisions of this Ordinance, at the rate and on the dates specified in the Order of the Minister of Finance [1] under section 4 or in pursuance of an option to redeem such bond reserved in that Order.

(2) Bearer bonds shall be issued in such denominations as the Minister of Finance [1] may direct.

Interest coupons.

21. (1) There shall be attached to every bearer bond coupons for the payment of interest which fall due thereunder :

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Provided that the number of coupons attached to a bearer bond on the date of its issue to any person may cover a period shorter than that of the currency of the bond if, in the opinion of the Registrar, it is inconvenient or inexpedient to attach to that bond coupons sufficient in number to cover the entirety of the period of the currency of the bond.

(2) If the number of coupons attached to any bearer bond on the date of its issue to any person is insufficient to cover all payments of interest due on that bond after that date, the holder of the bond shall be entitled to a renewal thereof at the prescribed time and in the prescribed manner and circumstances.

PAYMENT OF INTEREST AND REDEMPTION OF STOCK AND SECURITIES

Appropriation of revenue for payment of interest.

22. So long as any interest is payable under this Ordinance in respect of any stock or securities, the Minister of Finance[1] shall, in each half-year ending with the date on which the interest on such stock or securities falls due, appropriate out of the Consolidated Fund[1] and assets of Ceylon a sum sufficient to meet all interest payable on that date and shall authorize the Registrar to pay such interest out of the sum so appropriated.

Payment of interest.

23. (1) The interest due on any registered stock or securities shall be payable half-yearly on the dates specified by Order of the Minister of Finance[1] under section 4.

(2) Where any amount has become payable on any date as interest due on any registered stock or securities, no interest on that amount shall, after that date, be paid or payable by the Government to any person in any circumstances.

Cessation of liability to pay interest.

24. No person shall be entitled to claim interest on any registered stock or securities in respect of any period which has elapsed after the earliest date on

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which demand could lawfully have been made for the payment of the principal amount due on such stock or securities.

Place of payment.

25. All payments of interest and all payments of the principal amount due on any registered stock or securities shall be made at the Treasury in Colombo :

Provided that it shall be lawful for the Registrar or any person authorized by the Registrar in that behalf to pay any such interest or principal amount at any other place, whether within or outside Ceylon, in pursuance of any arrangement which the Registrar may make for that purpose.

Payment to minors and persons of unsound mind.

26. Any sum not exceeding five thousand rupees payable by way of interest or as principal in respect of any registered stock or security standing in the name of or held by a minor or a person of unsound mind may be paid in such manner as may be prescribed ; and, upon payment of any such sum in the prescribed manner, the Government shall, notwithstanding any written or other law to the contrary, be discharged from all liability to pay that sum.

Sinking Funds

Appropriation of revenue for sinking fund.

27.[1] After the date specified in the Order under section 4 as the date from which contributions to the sinking fund for any loan shall commence, there shall, in each half-year ending with the date specified in that Order for the payment of the half-yearly interest on any stock or securities issued in respect of that loan, be appropriated out of the Consolidated Fund and assets of Ceylon a sum determined in accordance with the rate specified in that Order as the contribution to the sinking fund established for the purpose of redeeming that loan.

Separate sinking fund for each loan.

28. A separate sinking fund shall be established for each loan raised under this Ordinance.

M 19——J. N. R 7598 (4/60)

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Investment of sinking fund.

29. (1) All moneys appropriated under section 27 as contributions to the sinking fund established for any loan shall be paid to the trustees, and may by them be invested—

(*a*) in stock or securities issued in respect of that loan :

Provided that such stock or securities shall not, for the purpose of such investment, be purchased at a price in excess of their par value ; or

(*b*) in such other investments or classes of investments as may be approved by the Minister of Finance.[1]

(2) The trustees may from time to time in their discretion vary any investment made under subsection (1) or may realize and reinvest any moneys invested under that subsection ; and the provisions of subsection (1) shall apply in like manner to any such variation or reinvestment.

Investment of interest on sinking fund.

30. The dividends, interest, bonus and other profits of any investment of any part of any sinking fund shall be invested by the trustees so as to form part of that sinking fund in like manner as moneys appropriated under section 27 as contributions to that sinking fund.

Cessation of contributions to sinking fund.

31. Notwithstanding anything to the contrary contained in this Ordinance, if at any time the trustees are satisfied that the sinking fund of any loan raised under the provisions of this Ordinance will be sufficient with further accumulations of interest, but without further payments of contributions, to enable the loan to be redeemed at the time fixed for its redemption, they shall inform the Minister of Finance[3] accordingly ; and the Minister of Finance[3] is hereby authorized in such event to suspend further payments of half-yearly contributions to that sinking fund :

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Provided, however, that the contributions to that sinking fund shall be recommenced if the trustees at any time thereafter inform the Minister of Finance[s] that they are no longer satisfied that the sinking fund with further accumulations of interest will be sufficient for the redemption of that loan.

Expenses to be paid out of sinking fund.

32. There shall be paid out of the sinking fund all expenses specifically incurred in, or incidental to, the investment and management of that fund and the repayment of the loan for which that fund was established.

Deficiency in sinking fund to be a charge upon revenue.

33. In the event of the sinking fund established for any loan under this Ordinance being found, at the time fixed for the repayment of that loan, to be insufficient for such redemption, the deficiency shall be made good out of the Consolidated Fund[1] and assets of Ceylon.

Conversion of Loans

Power of Minister of Finance to authorize—

34. The Minister of Finance[1] shall have and may from time to time exercise the following powers and authorities or any of them :—

conversion of loans generally ;

(*a*) he may declare any stock or securities issued in Ceylon under the provisions of this Ordinance or any other enactment to be convertible into registered stock or other securities to be issued under the provisions of this Ordinance ;

creation and issue of stock or securities necessary for conversion ;

(*b*) he may authorize the creation and issue under this Ordinance of such an amount of registered stock or securities as may be necessary for the conversion of the stock or securities in respect of which a declaration has been made under paragraph (*a*) ;

creation and issue of stock or securities to meet expenses of conversion ;

(*c*) he may authorize the creation and issue under this Ordinance of such registered stock or securities as may be necessary for the purpose of paying any expenses incurred in the creation and issue of registered stock or securities under this section ;

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new stock or securities to have all privileges of original stock or securities.

(*d*) he may declare that all privileges, exemptions and immunities attaching by virtue of any written law in force in Ceylon to any stock or securities shall attach to any new registered stock or securities issued under this Ordinance in conversion of such earlier stock or securities.

Arrangements for conversion.

35. Any conversion authorized under section 34 may be effected either by arrangement with the holders of existing stock or securities, or by purchase thereof out of moneys raised by the sale of stock or securities, or partly in one way and partly in the other.

Issue of Duplicates and Renewals of Stock Certificates and Securities

Issue of duplicate stock certificates.

36. When a stock certificate is lost, stolen or destroyed either wholly or in part, the Registrar may, on proof to his satisfaction of such loss, theft or destruction and on payment of the prescribed fee, issue a duplicate stock certificate in the name of the stockholder of the registered stock to which the stock certificate relates. Every duplicate stock certificate so issued shall have the word "DUPLICATE" printed, impressed or stamped thereon.

Issue of duplicate securities.

37. (1) When a security is alleged to have been lost, stolen or destroyed either wholly or in part, and a person claims to be the person to whom but for the loss, theft or destruction it would be payable, he may, on application to the Registrar and on producing proof to the satisfaction of the Registrar of the loss, theft or destruction and of the justice of the claim, obtain from the Registrar on payment of the prescribed fee, an order for—

(*a*) the payment of interest in respect of such security said to be lost, stolen or destroyed, pending the issue of a duplicate security ; and

(*b*) the issue after a period to be specified in the order of a duplicate security payable to the applicant.

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(2) An order shall not be made under subsection (1) until after the issue of the prescribed notification of the loss, theft or destruction.

(3) The loss of the security in respect of which an order is made under subsection (1) shall be published in the prescribed manner.

(4) If at any time before the Government becomes discharged under the provisions of this Ordinance from liability in respect of any security the whole of which is alleged to have been lost, stolen or destroyed, such security is found, any order passed in respect thereof under this section shall be cancelled.

Renewal of stock certificates and securities.

38. On the surrender to the Registrar of a stock certificate or promissory note or bearer bond which is defaced or damaged, or of a promissory note in which the spaces provided for indorsement have all been used for that purpose, or of a bearer bond at the end of the period which the interest coupons originally attached to that bond were intended to cover, the Registrar may, if he is satisfied that the claim of the person surrendering the certificate, note or bond is just and lawful, issue to such person on payment of the prescribed fee, if any, a new certificate, note or bond of the same class or series and value, and shall thereupon cancel the certificate, note or bond surrendered to him for renewal.

Right of Registrar to compel renewal of securities.

39. It shall be lawful for the Registrar, in such circumstances as may be prescribed—

(*a*) to issue a notice to the holder of any security directing him to apply for a renewal of that security ; and

(*b*) to withhold payment of the interest or principal amount due in respect of that security until the application for renewal has been made and determined.

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Renewal of promissory note in case of dispute as to title.

40. (1) Where there is a dispute as to the title to a promissory note in respect of which application for renewal has been made, the Registrar may—

(*a*) where any party to the dispute has obtained a final decision from a court of competent jurisdiction declaring him to be entitled to such note, issue a renewed note in favour of such party, or

(*b*) refuse to renew the note until such a decision has been obtained, or

(*c*) after such inquiry as he may deem necessary, declare by order in writing which of the parties is, in his opinion, entitled to such note, and may, after the expiration of three months from the date of such declaration, issue a renewed note in favour of such party, unless within that period he has received notice that proceedings have been instituted by any person in a court of competent jurisdiction for the purpose of establishing title to such note.

In this subsection, the expression "final decision" means a decision from which no appeal or further appeal lies or any decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

(2) The Registrar may for the purposes of any inquiry under this section exercise all or any of the powers of a commission under the Commissions of Inquiry Act.

Exchange of registered stock and securities.

41. On application made by any person claiming to be the holder of any registered stock or securities issued under this Ordinance, the Registrar may, if he is satisfied that the applicant is the lawful holder of such stock or securities, and on payment of the prescribed fee, exchange stock for securities or securities for stock or securities of one kind for securities of the other kind

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Provided that—

(*a*) all stock and securities so given or taken in exchange shall have been issued in respect of the same loan ; and

(*b*) the nominal value of the stock or securities given by the Registrar in exchange shall be the same as the nominal value of the stock or securities taken by him in exchange.

Consolidation and sub-division of stock and securities.

42. Subject to such conditions as may be prescribed, the Registrar may—

(*a*) on the application of a person claiming to be entitled to any stock or securities, and

(*b*) on being satisfied of the justice of the claim of such applicant, and

(*c*) on surrender of the stock certificate relating to such stock or of such securities receipted in the prescribed manner, and

(*d*) on payment of the prescribed fee,

consolidate or subdivide such stock or securities and issue to the applicant one or more new stock certificates or securities as may be required.

Liability in respect of promissory note renewed, &c.

43. (1) When a renewed promissory note has been issued under section 38 or section 40, or a new promissory note has been issued on an exchange under section 41 or upon a consolidation or sub-division under section 42, in favour of any person, the note so issued shall be deemed to constitute a new contract between the Government and such person and all persons deriving title thereafter through him.

(2) No such renewal, exchange, consolidation or subdivision shall affect the rights as against the Government of any other person to the security or securities so renewed, exchanged, consolidated or subdivided or to any stock so exchanged.

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Indemnity bonds.

44. Where application is made to the Registrar under this Ordinance for the issue of a duplicate stock certificate or a duplicate security or for the exchange, renewal, consolidation or subdivision of any stock or securities, the Registrar may require the applicant, as a condition precedent to the grant of the application, to execute a bond with or without sureties undertaking to indemnify the Government against the claims of all persons claiming under the original stock certificate or security or under the stock or securities so exchanged, renewed, consolidated or subdivided, as the case may be.

Immediate discharge in certain cases.

45. On payment by or on behalf of the Government to the holder of a bearer bond of the amount expressed therein on or after the date when it becomes due or on the renewal of a bearer bond under section 38, or on the renewal of a promissory note under section 40, or on the exchange of a bearer bond under section 41, or on the consolidation or subdivision of a bearer bond under section 42, the Government shall be discharged in the same way and to the same extent as if such bearer bond or promissory note were a promissory note payable to bearer:

Provided that in the case of a promissory note renewed under section 40, nothing in this section shall be deemed to bar a claim against the Government in respect of such note by any person who had no notice of proceedings under that section or who derives title through a person who had no such notice.

Discharge in other cases.

46. Save as otherwise provided in this Ordinance, the liability of the Government shall—

(*a*) in respect of any registered stock or security redeemed on or after the date on which payment of the principal amount becomes due, be discharged after the lapse of six years from that date;

(*b*) in respect of any security in place of which a duplicate is issued under section 37, be discharged after the lapse of six years from

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the date of the first notification under section 37 (3) published in respect of such security or from the date of the last payment of interest on such security, whichever date is the later ;

(c) in respect of a security for which a renewed security is issued under section 38 or section 40, or in respect of stock or securities in place of which new stock or securities are issued upon an exchange under section 41, or upon a consolidation or subdivision under section 42, be discharged after the lapse of six years from the date of the issue of the renewed security or of the new stock or securities, as the case may be.

Summary procedure in special cases.

47. (1) If within six months of the death of a person who was entitled to registered stock or to a promissory note the nominal or face value of which does not in the aggregate exceed five thousand rupees, probate of the will or letters of administration of the estate of such person is not produced to the Registrar, he may, after such inquiry as he may deem necessary, determine who is the person entitled to such stock or promissory note or to administer the estate of the deceased and may—

(*a*) where any such stock relates to a loan due for repayment, authorize the registration of the name of such person in substitution for the name of the deceased in the register of stock and the payment to such person of the amount due in respect of that stock ;

(*b*) where any such promissory note relates to a loan due for repayment, authorize payment to such person of the amount due on that promissory note ;

(*c*) where any such stock or promissory note relates to a loan not due for repayment, authorize, in the case of stock, the registration of the name of such person in substitution for the name

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of the deceased, and, in the case of a promissory note, the renewal of such promissory note in favour of such person.

(2) Upon the payment or renewal of any promissory note in accordance with subsection (1), the Government shall be discharged from all liability in respect of the note so paid or renewed ; and any substitution of names made under that subsection shall, for the purposes of any claim against the Government, be deemed to have effected a valid transfer of the stock in respect of which it was made.

(3) Any creditor or claimant against the estate of the deceased may recover his debt or claim out of money paid to any person under subsection (1) and remaining in his hands unadministered in the same manner and to the same extent as if the said person had obtained letters of administration of the estate of the deceased ; and nothing in this section shall affect any claim of an executor or administrator or other representative of the deceased against such person other than a claim to recover amounts lawfully paid by him in due course of administration of the estate of the deceased.

MISCELLANEOUS

Registrar and trustees.
[§ 131, 58 of 1949.]

48. For the purposes of this Ordinance—

(*a*) the Monetary Board of the Central Bank shall appoint a person to be or to act as the Registrar, and

(*b*) such Monetary Board shall be the trustees of the sinking fund established for each loan.

Signature of Registrar may be printed on stock or securities.

49. The signature of the Registrar may be printed, stamped, engraved, or impressed by any mechanical process on any stock certificate, promissory note or bearer bond and a signature so printed, stamped, engraved, or impressed shall be as valid as if it had been inscribed in the proper handwriting of the Registrar.

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Holding of stock and securities by holders of public and other offices.

50. (1) In the case of any public or other office to which the Minister of Finance [1] may by notification in the Gazette declare this subsection to apply—

(*a*) registered stock may be issued to or transferred to or by the holder for the time being of that office by the name of his office ;

(*b*) a promissory note may be made or indorsed payable to or to the order of the holder of that office by the name of his office.

(2) When registered stock or a promissory note is issued to or held by the holder of an office to which subsection (1) applies, such stock or promissory note shall be deemed to be transferred, notwithstanding anything to the contrary in this Ordinance, from each holder of the office to the succeeding holder of the office on the date on which the latter takes charge of the office.

(3) When the holder of an office to which subsection (1) applies indorses to a third party a promissory note made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the name of the office.

(4) This section applies as well to an office of which there are two or more joint holders as to an office of which there is a single holder.

Notice of trust not receivable save as provided.

51. (1) Save as otherwise provided in or under this Ordinance, no notice of any trust in respect of any registered stock or securities shall be receivable by the Registrar or by the Government.

(2) The Registrar shall not be deemed to have received notice of any trust by reason only of the fact that he has recognized an indorsement on a Government promissory note by an executor or an administrator as such, nor shall he inquire into the terms of any will by which such executor or administrator may be bound ; but, on being satisfied of the due appointment of such executor or administrator, he shall be entitled

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to treat such executor or administrator as the owner of any promissory note belonging to the estate represented by such executor or administrator.

Seizure of stock or securities by Fiscal.

52. The provisions of section 229 of the Civil Procedure Code shall apply to the seizure of stock or securities by the Fiscal in the execution of a decree of court, as if stock certificates or securities were share certificates and as if the Registrar were the proper officer of a company or corporation referred to in that section.

Exemption from stamp duties.

53. All documents or instruments made or used under the provisions of this Ordinance shall be in such form as the Minister of Finance [1] may specify and shall be free from stamp duty, anything in any other enactment to the contrary notwithstanding.

Inspection of register and documents.

54. (1) No person shall be entitled to inspect, or to receive information derived from, any registered stock or security in the possession of the Government or any register, book or other document kept or maintained by or on behalf of the Government in relation to registered stock or securities, save on payment of such fee and save in such circumstances and on such terms and conditions as may be prescribed.

(2) Nothing in this section shall apply to the Auditor-General or to the Commissioner of Income Tax.

Regulations.

55. (1) The Minister of Finance [1] may make regulations for the purpose of giving effect to the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters :—

(*a*) the manner in which payment of interest in respect of stock or securities is to be made and acknowledged ;

(*b*) the circumstances in which promissory notes must be renewed before further payment of interest thereon can be claimed ;

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(*c*) the fees to be paid in respect of the issue of duplicate stock certificates or securities and of the renewal, exchange, consolidation and subdivision of stock or securities ;

(*d*) the proof required to be produced by persons applying for duplicate stock certificates or securities ;

(*e*) the conditions subject to which stock or securities may be exchanged, consolidated or subdivided ;

(*f*) enabling holders of registered stock to be described in the register of stock as trustees, and either as trustees of any particular trust or as trustees without qualification, and for the recognition of powers of attorney granted by holders of stock so described ;

(*g*) the holding of registered stock or promissory notes by the holders of offices other than public offices, and the manner in which and the conditions subject to which stock so held may be transferred ;

(*h*) all matters required by this Ordinance to be prescribed and all matters incidental to or connected with the matters herein before enumerated.

(3) Nothing in any regulation made under paragraphs (*f*) and (*g*) shall, as between any trustees or as between any trustees and beneficiaries under a trust, be deemed to authorize the trustees to act otherwise than in accordance with the rules of law applying to the trust and the terms of the instrument constituting the trust ; and neither the Government nor the Registrar nor any person holding or acquiring any interest in any registered stock shall by reason only of any entry in the register of stock or of anything in any document or instrument relating to registered stock, be affected with notice of any trust or of the fiduciary character of any stockholder or of any fiduciary obligation attaching to the holding of any registered stock.

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(4) All regulations made by the Minister of Finance[1] shall be published in the Gazette and shall upon such publication be as valid and effectual as if herein enacted.

Delegation of powers of Minister of Finance.

56. The Minister of Finance[2] may by Order published in the Gazette delegate to the Secretary to the Treasury[1] any power conferred on the Minister of Finance[2] by this Ordinance subject to such conditions, reservations and restrictions as may be specified in the Order.

Savings.

57. Nothing in this Ordinance contained shall affect the provisions of—

the Monetary Law Act ;

the Ceylon Inscribed Rupee Stock Ordinance ;

the General Loan and Stock Ordinance ;

the Colonial Treasury Bills Ordinance ;

the Local Treasury Bills Ordinance ;

or any stock, debentures, Treasury Bills or other Government securities issued thereunder.

Interpretation.

58. In this Ordinance, unless the context otherwise requires—

"bearer bond" means a bearer bond issued under this Ordinance ;

"prescribed" means prescribed by this Ordinance or by any regulation made thereunder ;

"promissory note" means a Government promissory note issued under this Ordinance ;

"register of stock" means the register of stock kept under section 6 ;

"registered stock" or "stock" means registered stock issued under this Ordinance ;

"security" means a bearer bond or a promissory note ;

"stockholder" means the person registered for the time being as the owner of any registered stock.

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CHAPTER 421

INSCRIBED RUPEE STOCK

AN ORDINANCE TO PROVIDE FOR THE CREATION OF INSCRIBED RUPEE STOCK TO BE ISSUED IN CEYLON.

Ordinances Nos. 8 of 1892, 6 of 1928.

[*6th September, 1892.*]

Short title.

1. This Ordinance may be cited as the Ceylon Inscribed Rupee Stock Ordinance.

Minister of Finance may raise by means of inscribed rupee stock money which he is authorized to raise by loan.

2. It shall be lawful for the Minister of Finance,[1] whenever he desires to raise any sum or sums of money, being the whole or any portion of any sum which he may have been or shall hereafter be authorized to raise by way of loan, by any enactment which may have been or at any time may be passed, to raise the same or any part thereof by the creation and issue of inscribed rupee stock, under the provisions of this Ordinance.

Stock to be styled "Ceylon Inscribed Rupee Stock", and issued by the Deputy Secretary to the Treasury.

3. Such stock shall be styled "Ceylon Inscribed Rupee Stock", and shall from time to time be issued by the Deputy Secretary to the Treasury,[1] who is hereinafter defined as "the Registrar", upon the best and most favourable terms that can be obtained, and in such amounts and on such conditions, subject to the provisions of this Ordinance, as the Minister of Finance[1] may before the issue thereof from time to time direct:

Provided that the interest on such stock shall not exceed four *per centum* per annum.

Inscribed rupee stock to be a charge upon Consolidated Fund.

4. The principal moneys and interest secured by the inscribed rupee stock created under the provisions of this Ordinance are hereby charged upon and shall be payable out of the Consolidated Fund[1] and assets of the Government of Ceylon.

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When the principal is to be repaid.

5. All the inscribed rupee stock which may be created under the provisions of this Ordinance shall be redeemable at par on a date to be named in that behalf by the Deputy Secretary to the Treasury [1] when issuing the stock, such date not being later than fifty years from the date of issue. From and after which date all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Principal and interest where payable.

6. The principal moneys secured by the inscribed rupee stock created under this Ordinance, and the interest thereon, shall be payable at the Treasury at Colombo :

Provided that it shall be lawful for the Registrar to make such arrangements as the Minister of Finance [1] may approve for making the interest payable by post dividend warrant at any kachcheri in Ceylon.

Appropriation out of Consolidated Fund of sums to meet interest and principal.

7. [1] So long as interest shall continue to be payable on any such inscribed rupee stock there shall in each half-year ending with the day on which the interest thereon falls due be appropriated out of the Consolidated Fund a sum equal to one half-year's interest thereon, and the Deputy Secretary to the Treasury shall pay thereout the then current half-year's interest on the day when it falls due. After the date specified in the enactment authorizing an issue of inscribed rupee stock as that on which the contribution to the sinking fund shall commence, there shall be further appropriated out of the said Consolidated Fund in each half-year ending as aforesaid an additional sum for the formation of a sinking fund equal to one-half *per centum* on the total nominal amount of such inscribed rupee stock, and that sum shall be vested in the hands of the Deputy Secretary to the Treasury and one other public officer to be nominated by the Minister of Finance, who are hereby appointed trustees of the sinking fund.

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Investment of sinking fund.

8. The contributions to the sinking fund shall be applied as follows :—

(*a*) if the price of the inscribed rupee stock be below par at the time when the contributions are received, the trustees shall, if practicable, purchase therewith the inscribed rupee stock in the market, and shall cancel in the register the stock so purchased ;

(*b*) the trustees shall invest so much of the contributions as shall not be applied in the purchase of inscribed rupee stock, and the dividends, interest, or produce of such investments, in the purchase of such debentures, stock, or other security, as may from time to time be approved by the Minister of Finance,[1] and shall hold such fund in trust for repayment of the principal moneys for the time being secured by the inscribed rupee stock.

Any deficiency in sinking fund to be made good out of Consolidated Fund.

9. In case the sinking fund shall be insufficient to provide the necessary funds for the redemption of the inscribed rupee stock when it shall have become due, the deficiency shall be made good out of the Consolidated Fund[1] and assets of the Government of Ceylon.

Cesser of sinking fund contribution.

10. Notwithstanding anything to the contrary contained in this Ordinance, if at any time the trustees of the sinking fund of any Ceylon Inscribed Rupee Stock issued or to be issued under the provisions of this Ordinance are satisfied that the value of the sinking fund will be sufficient with further accumulations of interest but without further payments of contributions to enable the loan to be redeemed out of the proceeds of the sinking fund when the same shall fall due to be redeemed, the Minister of Finance may[1] suspend further payments of contributions to the said sinking fund :

Provided always that contributions to the sinking fund shall be recommenced if the trustees shall at any time inform the Minister of Finance[1] that it is necessary.

M 20——J. N. R 7598 (4/60)

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Expenses to be paid out of sinking fund.

11. All expenses of or incidental to the management of the sinking fund or to the repayment of the principal moneys borrowed shall be paid out of the sinking fund.

Transfer of stock.

12. The stock to which this Ordinance applies shall be transferred as follows :—

(*a*) the transfer shall be made by an agreement in writing which shall be signed by the transferor and transferee, which shall be attested by a credible witness, but no transfer under such agreement shall be registered without the production of the stock certificate referred to in section 22 ;

(*b*) the person becoming entitled to any stock or dividend thereon in consequence of the death, bankruptcy, or marriage of the stockholder, or of any devolution in law from the stockholder, or otherwise than by transfer of the stock, shall produce such evidence of his title as may be reasonably required by the Registrar.

Closing of register for dividend.

13. The Registrar may, for such period not exceeding fourteen days as he may from time to time fix previous to each payment of dividend on stock to which this Ordinance applies, close the register of the stock as regards transfers, upon giving not less than seven days' notice of such closing by advertisement in the Gazette and in one newspaper published in Ceylon.

The persons who on the day of such closing are inscribed as stockholders shall, as between them and their transferees of stock, be entitled to the dividend then next payable thereon.

Dividends in case of infancy, &c., of a joint stockholder.

14. Where stock to which this Ordinance applies is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability, a power of attorney for the receipt of the dividends on

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the stock shall be sufficient authority in that behalf, if given under the hand of the person not under disability, and attested.

The Registrar, before acting on the power of attorney, may require proof to his satisfaction of the alleged infancy or unsoundness of mind, by the affidavit of competent persons made before a Justice of the Peace, or in such other manner as he may reasonably require.

Stock Certificates to Bearer

Stock certificates to bearer.

15. The Registrar, if so authorized by the Minister of Finance,[1] shall, on application and payment of the fees, if any, chargeable in respect of the certificate, grant to a stockholder a certificate (in this Ordinance called "a stock certificate to bearer") which shall entitle the bearer to the stock therein described, and shall be transferable by delivery.

There shall be attached to such certificate coupons entitling the bearer of or person named in the coupons to the dividends on the stock for a limited period, such interest to be payable only on the production of the certificate with its unpaid coupons complete at the Treasury at Colombo.

Any stock in respect of which a stock certificate to bearer has been so issued shall, so long as such certificate is outstanding, cease to be dealt with through the medium of the register.

Renewal of coupons or certificate.

16. On the expiration of the period for which the coupons attached to a stock certificate to bearer have been issued under this Ordinance, the certificate may be exchanged for another certificate with coupons for a further period.

Conversion into nominal stock of stock in certificate to bearer.

17. On delivery to the Registrar of a stock certificate to bearer issued under this Ordinance, and of all unpaid coupons belonging thereto, the Registrar shall enter the bearer in the register as proprietor of the stock

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described in the certificate, and thereupon that stock shall become transferable and the dividends thereon payable as if no stock certificate to bearer has been issued in respect of that stock.

Trustees not to apply for stock certificate to bearer.

18. A trustee shall not apply for or hold a stock certificate to bearer issued under this Ordinance unless expressly authorized to do so by the terms of his trust. But this provision shall not impose on the Registrar an obligation to inquire whether a person applying for a stock certificate to bearer is or is not a trustee, or subject the Registrar to any liability in the event of his issuing a stock certificate to bearer to a trustee or invalidate any stock certificate to bearer issued.

Loss of stock certificate to bearer.

19. If any stock certificate to bearer issued under this Ordinance is lost, mislaid, or destroyed, the Registrar shall, on such indemnity being given as he may reasonably require, and on payment of the expense of the issue, issue a fresh stock certificate to bearer in the place of the certificate so lost, mislaid, or destroyed.

Stock in certificate to bearer to have incidents of other stock, except as to transfers, &c.

20. Stock described in a stock certificate to bearer issued under this Ordinance shall, save as relates to the mode of transfer and payment of dividends, be subject to the same incidents in all respects as if it had continued to be transferable in the register.

Registry of stock.

21. The Deputy Secretary to the Treasury [1] shall be the Registrar under this Ordinance, and shall keep a register at his office in which all the rupee stock shall be inscribed at the time of issue in the names of the stockholders, and he may as such Registrar, before the inscription of any stock, with the consent and approval of the Minister of Finance, [1] make with respect to the transfer and management of such stock regulations not inconsistent with the provisions of this Ordinance. It shall be lawful in and by such regulations to prescribe fees to be paid on such transfer or otherwise.

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A printed copy of the documents containing the authority for and conditions of the issue of stock to which this Ordinance applies, and of all regulations with respect to the transfer of such stock or otherwise, in relation to such stock, shall be entered in the register of the stock.

Certificates to stockholders.

22. On the creation and issue to any person of any inscribed rupee stock under the provisions of this Ordinance, such person shall be entitled to a certificate, under the hand of the Registrar, of his title to such stock.

Register to be evidence.

23. The register kept in pursuance of this Ordinance shall on its mere production from the custody of the Registrar be evidence of all matters entered therein, and, as regards persons entered therein as proprietors of stock to which this Ordinance applies, of the title of those persons to the stock.

Notice of trust not receivable.

24. No notice of any trust in respect of any stock to which this Ordinance applies shall be entered in the register or receivable by the Registrar or by the Government of Ceylon.

Information to be given respecting register.

25. (1) The Registrar shall keep in a separate book a list of the stockholders on whose stock the dividends have been unclaimed for ten years, together with their registered addresses and description, and such list shall be open for inspection at the usual hours of transfer upon payment of such fee, not exceeding five rupees, as may be fixed by the regulations.

(2) The Registrar shall give within a reasonable time after application a certificate stating the following particulars in relation to any stock of which he is Registrar, or any part of such stock, or such of those particulars as may be required by the applicant, namely—

(*a*) the total amount issued and the total inscribed in the register ; and

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(*b*) the total number of the persons in whose names the stock or part is originally inscribed, or, after the register of such stock or part has been once closed as regards transfers, the total number of the stockholders at the last preceding date at which the transfer books were closed ; and

(*c*) the total number of each class of persons in whose names the stock or part is originally inscribed, or, after the register of the stock or part has been once closed as regards transfers, of each class of stockholders at the last preceding date at which the transfer books were closed, the classification being according to the amount held, omitting fractions of two thousand rupees ; and

(*d*) a copy or extract certified by the Registrar or by some officer appointed for the purpose to be a true copy or extract of any conditions or regulations required by this Ordinance to be entered in the register :

Provided that the Registrar shall not be required to give any such certificate in relation to any stock issued under the provisions of this Ordinance, or part of such stock, until after the expiration of one month after the stock or part of the stock to which the certificate relates has been inscribed.

(3) Within a reasonable time after the application of any person who is a stockholder of any stock to which this Ordinance applies the Registrar shall give him a list of the registered names and addresses of the stockholders of such stock at the last preceding date at which the register was closed as regards transfers.

(4) The Registrar, before giving a certificate or list under this section, may require payment of such a fee not exceeding five rupees and a further sum of fifty cents for every folio of one hundred and twenty words, or in the case of a list of names and addresses of ten cents for each name and address, as the Registrar may from time to time fix.

(5) Any certificate or list given under this section shall be admissible in evidence.

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MISCELLANEOUS

Creation, inscription, issue, conversion, and transfer of inscribed rupee stock.

26. The Registrar shall from time to time under the directions of the Minister of Finance[1] make arrangements for all or any of the following things:—

(*a*) for inscribing rupee stock in his books;

(*b*) for managing the creation, inscription, and issue of inscribed rupee stock;

(*c*) for paying interest on inscribed rupee stock and managing transfers thereof;

(*d*) for issuing inscribed stock certificates to bearer and, as often as occasion shall require, reissuing or reinscribing rupee stock and reissuing inscribed stock certificates.

GENERAL PROVISIONS

Exemption from stamp duties.

27. All documents whatsoever made or used under the provisions of this Ordinance shall be free from stamp duty, anything in any other enactment to the contrary notwithstanding.

Persons making false declarations how punishable.

28. If any person shall make and subscribe any declaration required to be made on the doing of any act, matter, or thing, or for verifying any statement whatsoever required to be done or made, or for use for any purpose, under the provisions of this Ordinance, and shall wilfully make therein any false statement as to any material particular, the person making the same shall be guilty of an offence, and being convicted thereof shall be liable at the discretion of the court to simple or rigorous imprisonment for any term not exceeding three years.

Frauds and forgery.

29. Whosoever shall—

Forgery of transfer, &c.

(*a*) forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any transfer of any share or interest of or in any stock to which this Ordinance

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applies, or which may be transferable under this Ordinance, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest in any such stock, or to receive any dividend or money payable for or in respect of any such share or interest, or who shall demand or endeavour to have any such share or interest transferred, or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered, with intent in any of the cases aforesaid to defraud ; or who shall

Personation.

(*b*) falsely and deceitfully personate any owner of any share or interest of or in any stock to which this Ordinance applies, or any owner of any dividend or money payable in respect of any such share or interest as aforesaid belonging to any such owner, and shall thereby transfer or endeavour to transfer any share or interest of or in any such stock belonging to any such owner, or thereby receive or endeavour to receive any money due to any such owner as if such offender were the true and lawful owner ; or who shall

Forgery of witness's signature, &c.

(*c*) forge any name, handwriting, or signature purporting to be the name, handwriting, or signature of a witness attesting any transfer of any stock to which this Ordinance applies, or attesting the execution of any power of attorney, or other authority, to transfer any share or interest of or in any such stock, or to receive any dividend or money payable in respect of any such share or interest, or shall offer, utter, dispose of, or put off any such power of attorney, or other authority with any such forged name, handwriting, or signature thereon knowing the same to be forged ; or who shall

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(*d*) wilfully make any false entry in, or wilfully alter any word or figure in, any register or certificate of or relating to any stock to which this Ordinance applies, or shall wilfully make any transfer of any share or interest of or in any such stock in the name of any person not being the true and lawful owner of such share or interest, with intent to defraud, False entries in register, &c.

shall be guilty of an offence, and being convicted thereof shall be liable at the discretion of the court to simple or rigorous imprisonment for any term not exceeding five years.

30. All offences under this Ordinance are hereby declared to be cognizable and bailable within the meaning of those terms as defined in section 2 of the Criminal Procedure Code, and shall be triable by the District Court, which is hereby authorized to inflict the penalties herein before provided, anything in section 14 of the said Code to the contrary notwithstanding. Offences to be cognizable and bailable and triable by District Courts.

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CHAPTER 422

MONETARY LAW

Acts Nos. 58 of 1949, 33 of 1954.

AN ACT TO ESTABLISH THE MONETARY SYSTEM OF CEYLON AND THE CENTRAL BANK TO ADMINISTER AND REGULATE THE SYSTEM AND TO CONFER AND IMPOSE UPON THE MONETARY BOARD OF THE CENTRAL BANK POWERS, FUNCTIONS, AND RESPONSIBILITIES NECESSARY FOR THE PURPOSES OF SUCH ADMINISTRATION AND REGULATION, AND TO PROVIDE FOR CONNECTED MATTERS.

[*Chapter II—16th December, 1949.*]

[*Chapters I, and III to VIII—28th August, 1950.*]

Short title.

1. This Act may be cited as the Monetary Law Act.

CHAPTER I

ESTABLISHMENT OF THE MONETARY UNIT

The unit of monetary value.

2. (1) The standard unit of monetary value in Ceylon shall be the Ceylon rupee, which shall be represented by the signs "Re." and "Rs.".

(2) The Ceylon rupee shall be divided into one hundred units each of which shall be called a "cent".

The par value of the rupee.

3. The par value of the Ceylon rupee shall be two grains and eighty-eight hundredths (2.88) of a grain of fine gold.

The use of the rupee.

4. (1) Every obligation of the following description, that is to say, every contract, sale, payment, bill, note, instrument, and security for money, and every transaction, dealing, matter, and thing whatsoever relating to money, or involving the payment of money or the liability to pay any money, shall, in the absence of an express agreement to the contrary which is not rendered invalid or unlawful by any other written law, be held to be made, executed, entered into, done, and had in Ceylon according to the Ceylon rupee.

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(2) In any case where any such obligation which is by agreement expressed in any monetary unit other than the Ceylon rupee has, by reason that such agreement is rendered invalid or unlawful by any other written law, to be executed or liquidated in Ceylon rupees, the necessary conversions shall be effected on the basis of the legal parities ruling at the time when such obligation falls to be executed or liquidated, or at such other time as may be specified in that behalf in the agreement.

CHAPTER II

Establishment Of The Central Bank To Administer And Regulate The Monetary System

PART I—THE CENTRAL BANK, ITS POWERS AND PURPOSES

Establishment and objects of Central Bank.

5. An institution, which shall be called and known as the Central Bank of Ceylon (hereinafter referred to as "the Central Bank"), is hereby established as the authority responsible for the administration and regulation of the monetary and banking system of Ceylon; and, without prejudice to the other provisions of this Act, the Central Bank is hereby charged with the duty of so regulating the supply, availability, cost, and international exchange of money as to secure, so far as possible by action authorized by this Act, the following objects, that is to say:—

(*a*) the stabilization of domestic monetary values;

(*b*) the preservation of the par value of the Ceylon rupee and the free use of the rupee for current international transactions;

(*c*) the promotion and maintenance of a high level of production, employment, and real income in Ceylon; and

(*d*) the encouragement and promotion of the full development of the productive resources of Ceylon.

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Capital of Central Bank.

6. The capital of the Central Bank shall be fifteen million rupees, which sum is hereby appropriated to the bank from the surplus assets of the Board of Commissioners of Currency.

Place of business.

7. The Central Bank shall have its principal place of business in Colombo, and may have such branches, agencies, and correspondents in other places, in Ceylon or abroad, as may be necessary for the proper conduct of the business of the bank.

PART II—THE MONETARY BOARD

Constitution of Monetary Board.

8. (1) The Monetary Board of the Central Bank shall, in addition to determining the policies or measures authorized to be adopted or taken under this Act, be vested with the powers, duties, and functions of the Central Bank under this Act, and be generally responsible for the management, operations, and administration of the bank.

(2) The Monetary Board shall consist of—

(*a*) the Governor of the Central Bank who shall be the chairman of the board ;

(*b*) the person holding office for the time being as Permanent Secretary to the Ministry of Finance ; and

(*c*) a third member appointed by the Governor-General on the recommendation of the Prime Minister.

(3) In the absence of the Governor from any meeting of the Monetary Board, the Deputy Governor designated as senior by the board shall act as his alternate and shall preside at the meeting and have the right to vote thereat.

(4) In the absence of the member of the Monetary Board mentioned in paragraph (*b*) of subsection (2) from any meeting of the board, the person holding office for the time being as Deputy Secretary to the Treasury shall act as that member's alternate at that meeting and have the right to vote thereat.

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Monetary Board to be a body corporate.

9. (1) The Monetary Board of the Central Bank shall in that name be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

(2) The Monetary Board shall have the power, in the name of the Central Bank, to hold property, both movable and immovable, and to sell and dispose of the same, to enter into contracts and otherwise to do and perform all such acts or things as may be necessary for the purpose of carrying out the principles and provisions of this Act.

(3) The Monetary Board may, in the name of the Central Bank, acquire and hold such assets and incur such liabilities as result directly from operations authorized by this Act or as are essential for the proper conduct of such operations.

General powers of Monetary Board.

10. For the purposes of the exercise of its powers, duties, functions, and responsibilities under this Act, the Monetary Board—

(*a*) may, subject to the provisions of section 22 and section 23, appoint such officers and servants as the board may consider necessary and remove them from office or dismiss them, and may fix the salaries or wages, or other remuneration, of such officers and servants, and may prescribe their conditions of service ;

(*b*) may establish and regulate pensions or provident funds or schemes for the benefit of officers and servants and their dependants and nominees, and may make contributions to any such fund or scheme ;

(*c*) may make such rules and regulations as the board may consider necessary in relation to any matter affecting or connected with or incidental to the exercise, discharge, or performance of the powers, functions, and duties of the Central Bank ; and

(*d*) may utilize the funds of the Central Bank for the purpose of meeting all expenditure incurred by the board in the management,

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administration, and operation of the bank and in the exercise, performance, and discharge of powers, functions, and responsibilities of the bank under this Act.

Disqualification for appointment as Governor, or as member of Monetary Board.

11. A person shall be disqualified for appointment as the Governor of the Central Bank, or as a member of the Monetary Board under paragraph (*c*) of section 8 (2), if—

(*a*) he is a Senator or a Member of Parliament or a member of any local authority ; or

(*b*) he is a public officer or a judicial officer within the meaning of the Ceylon (Constitution) Order in Council, 1946, or holds any office or position (other than an academic position), either by election or appointment, for which salary or other remuneration is payable out of public funds or the funds of any local authority ; or

(*c*) he is a director, officer, employee, or shareholder of any banking institution (other than the Central Bank).

Appointment, remuneration, &c., of Governor of Central Bank.

12. (1) The Governor of the Central Bank shall be a person appointed for the purpose by the Governor-General on the recommendation of the Prime Minister.

(2) The Governor shall devote his full professional time to the business of the bank ; and accordingly the Governor shall not accept or hold any other office or employment whatsoever, whether public or private, and whether remunerated or not :

Provided, however, that nothing in the preceding provisions of this subsection shall be deemed to prevent the Governor from accepting or holding any academic office or position, or from being appointed to be or acting as a member of any commission constituted under the Commissions of Inquiry Act for the purposes of any inquiry relating to monetary, banking, financial, or general economic matters or questions affecting the national welfare of Ceylon, or of any council, committee, or other body investigating or examining, or advising upon, any such matters or questions.

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(3) The Governor shall receive such salary as may be fixed by the Governor-General on the recommendation of the Prime Minister.

Term of office of Governor and appointed member.

13. (1) The term of office of the Governor, and of the person appointed under paragraph (c) of section 8 (2) (hereinafter referred to as the "appointed member"), shall, subject to the provisions of subsection (2) of this section, be the period of six years commencing on the date of his appointment:

Provided, however, that the term of office of the first appointed member holding office under this Act shall be the period of three years from the date of his appointment.

(2) In the event of the vacation of office by the Governor or by the appointed member before the expiration of his term of office, another person shall be appointed in his place to hold office during the unexpired part of the term of office of the Governor or member so vacating office.

(3) Any person vacating office as Governor or as appointed member by effluxion of time shall be eligible for reappointment.

Remuneration of appointed member.

14. (1) The appointed member shall receive an allowance for each day on which he attends a meeting of the Monetary Board.

(2) The amount of such allowance shall be fixed by the Governor-General on the recommendation of the Prime Minister.

Alternate for appointed member.

15. (1) Where the appointed member is, through illness, absence from Ceylon, or for any other reason, temporarily unable to perform the functions of his office, the Governor-General may, on the recommendation of the Prime Minister, appoint some other person to act in his place for such period as may be specified by the Governor-General.

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(2) The provisions of section 11 shall apply in relation to any such appointment.

(3) The person appointed to act as a member of the board under this section shall during the period of his appointment be deemed for the purposes of this Act to be the appointed member.

Removal from office of Governor or appointed member.

16. The Governor-General may, on the recommendation of the Prime Minister, remove the Governor or the appointed member from office—

(*a*) if he becomes subject to any disqualification mentioned in section 11 ; or

(*b*) if he becomes permanently incapable of performing his duties ; or

(*c*) if he has done any act or thing which, in the opinion of the Prime Minister, is of a fraudulent or illegal character or is manifestly opposed to the objects and interests of the Central Bank ; or

(*d*) in the case of the Governor, if he acts in contravention of subsection (2) of section 12.

Meetings of Monetary Board.

17. (1) Meetings of the Monetary Board shall be held at least once in every two weeks and, in addition, as frequently as is necessary for the purpose of the discharge of its responsibilities under this Act.

(2) Meetings of the board shall be convened by the Governor.

(3) At any meeting of the board two members shall constitute a quorum.

(4) No decision taken at any meeting of the board shall be deemed to be a decision of the board unless it has the concurrence of at least two members, or, in any case where any other provision of this Act requires a unanimous decision, the concurrence of all three members.

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Attendance of certain officers at meetings of Monetary Board.

18. The Deputy Governor designated as senior by the Monetary Board and the Director of Economic Research may attend meetings of the Monetary Board, but shall not have the right to vote on any question.

PART III—THE GOVERNOR AND DEPUTY GOVERNORS

General functions and duties of Governor.

19. (1) The Governor shall be the chief executive officer of the Central Bank and shall accordingly be charged with the following powers, duties, and functions :—

(*a*) the execution of policies and measures approved by the Monetary Board and, subject to any such policies and measures as may be applicable, the direction, supervision, and control of the operations of the Central Bank and its internal management and administration ;

(*b*) the preparation of the agenda for meetings of the Monetary Board and the submission for the consideration of the board of policies and measures considered by him to be necessary for the purpose of carrying out the principles and provisions of this Act ; and

(*c*) the exercise or performance of such other powers or duties as may be conferred or imposed upon him by the Monetary Board.

(2) Every instrument of the following description, that is to say, every contract, promissory note, security, report, balance sheet, statement, or other document and every rule, regulation, order, direction, notice, or requirement which bears the signature of the Governor or such other officer as may be authorized in that behalf by the Monetary Board, shall be deemed for all purposes to be an instrument executed, made, or issued by the Central Bank or by the Monetary Board, as the case may be.

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Governor to be principal representative of Central Bank and Monetary Board.

20. The Governor of the Central Bank shall be the principal representative of the bank and of the Monetary Board and shall in that capacity, but in accordance with policies or rules approved or made by the board, have authority—

(*a*) to represent the Central Bank and the board in all relations with other persons, including the Government and any body of persons, corporate or unincorporate, whether public or private, domestic, foreign, or international ; and

(*b*) to represent the Central Bank and the board in any legal proceedings either personally or through proctor or counsel.

Delegation of powers of Governor.

21. Subject to and in accordance with such rules, if any, as may be made by the Monetary Board in that behalf, the Governor may delegate to any other officer of the bank his authority to represent the bank for any purpose mentioned in section 20, so however that the Governor shall remain and continue to be responsible to the board for and in respect of any act or thing done or omitted to be done by any such delegate.

Appointment of Deputy Governors.

22. The Monetary Board shall, with the concurrence of the Minister of Finance, appoint one or more Deputy Governors who shall perform such duties and exercise such powers as may be assigned to them by the board.

Disqualification and removal of Deputy Governors.

23. (1) A person shall be disqualified for appointment as a Deputy Governor if—

(*a*) he is a Senator or a Member of Parliament or a member of any local authority ;

(*b*) he is a public officer or a judicial officer within the meaning of the Ceylon (Constitution) Order in Council, 1946, or holds any office or position (other than an academic position), either by election or appointment, for which salary or other remuneration is payable out of public funds or the funds of any local authority; or

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(*c*) he is a director, officer, employee, or shareholder of any banking institution (other than the Central Bank).

(2) The Monetary Board may, with the concurrence of the Minister of Finance, remove any Deputy Governor from office—

(*a*) if he becomes subject to any disqualification mentioned in subsection (1) ; or

(*b*) if he becomes permanently incapable of performing his duties ; or

(*c*) if he has done any act or thing which, in the opinion of the board, is of a fraudulent or illegal character or is manifestly opposed to the objects and interests of the Central Bank ; or

(*d*) if, in the opinion of the board, he has failed to carry out his duties.

Deputy Governor to act as Governor.

24. In the event of the temporary absence from duty of the Governor or of the temporary inability of the Governor to perform his functions and duties, the Deputy Governor designated as senior by the board shall act as the chief executive officer of the Central Bank and shall have authority to exercise the powers and perform the functions and duties of the Governor under this Act.

PART IV—DEPARTMENTS OF THE CENTRAL BANK

(*A*)—*The Department of Economic Research*

Establishment and functions of department of economic research.

25. (1) The Central Bank shall establish and maintain a department of economic research which shall prepare data and conduct economic research, for the guidance of the Monetary Board and the Governor in formulating, implementing, and executing policies and measures and for the information of the public, in the subjects of money and banking and other economic subjects of general interest.

(2) The head of the department established under subsection (1) shall be called the Director of Economic Research.

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Authority to obtain information.

26. (1) The Director of Economic Research or any officer of the department of economic research authorized for the purpose by the Director may in such manner as may be prescribed by rules made under section 10—

(*a*) require any person to furnish to him such information as he may consider it necessary to obtain for the purposes of the proper discharge of the functions and responsibilities of the Central Bank; or

(*b*) require any person to produce for inspection any books or records in his possession containing or likely to contain any such information.

(2) Any person who without reasonable cause fails or refuses to comply with any requirement made under subsection (1) shall be guilty of an offence.

(3) In this section "person" includes any officer of any department of Government, and any body of persons, corporate or unincorporate, whether established or constituted under any written law or otherwise.

Training of technical personnel.

27. The Central Bank shall promote and sponsor the training of technical personnel in the subjects of money, banking, statistics, finance, and other economic subjects, and for this purpose, the Central Bank is hereby authorized to defray the costs of study, in Ceylon or abroad, of employees of the bank who are of proved merit, or of any other qualified persons selected by the Monetary Board.

(B)—The Department of Bank Supervision

Establishment and functions of department of bank supervision.

28. (1) For the purposes of the continuous supervision and periodical examination of all banking institutions in Ceylon, the Central Bank shall establish and maintain a department of bank supervision.

(2) The head of the department established under subsection (1) shall be called the Director of Bank Supervision.

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Examination of banking institutions.

29. (1) The Director of Bank Supervision shall examine, or cause an examiner of his department to examine, the books and accounts of every commercial bank in Ceylon at least once in each examination period, and shall make such further examinations in respect of any specified bank whenever required so to do by the Governor.

(2) Examination of the books and accounts of banking institutions other than commercial banks, or of any specified banking institution, shall be made if directions in that behalf are given by the Monetary Board.

(3) A report on the results of each examination under this section shall be furnished by the Director of Bank Supervision to the Governor.

(4) It shall be lawful for the Director of Bank Supervision or for any examiner of his department—

(*a*) to administer oaths or affirmations, in accordance with the Oaths Ordinance, to any director, officer, or employee of any banking institution ;

(*b*) to require any such director, officer, or employee to furnish such information as the Director or examiner may consider it necessary to obtain for the purpose of enabling the true condition of the affairs of the institution to be ascertained ; or

(*c*) to require any such director, officer, or employee to produce for inspection any books, records, or other documents in his possession containing or likely to contain any such information.

(5) It shall be the duty of every director, officer, or employee of any banking institution to afford to the Director of Bank Supervision or to any examiner of his department full opportunity to examine books and records and its cash, available assets, full liabilities and general condition, whenever so requested by the Director.

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(6) In this section " examination period " means each period of such duration as may be fixed for the purpose by the Monetary Board.

Power of Monetary Board to suspend or restrict business of a banking institution.

30. (1) In any case where the Director of Bank Supervision is satisfied, after examination by himself or any examiner of the affairs of any banking institution, or upon information received from the institution, that the institution is insolvent or is likely to become unable to meet the demands of its depositors, or that its continuance in business is likely to involve loss to its depositors or creditors, the Director shall make a report accordingly to the Governor for submission to the Monetary Board ; and if the board, upon review of the facts and circumstances, is of opinion that action should be taken as hereinafter provided, the board may make order directing the institution forthwith to suspend business in Ceylon and directing the Director to take charge of all books, records and assets of the institution and to take such measures as may be necessary to prevent the continuance of business by the institution.

(2) Notwithstanding anything in any written or other law, no action or proceeding may be instituted in any court for the purpose of securing the review or revocation of any order made under subsection (1) or in respect of any loss or damage incurred, or likely to be or alleged to be incurred, by reason of such order.

(3) An order made by the Monetary Board under subsection (1) in respect of any banking institution shall cease to have effect upon the expiration of a period of thirty days from the date on which it is made ; and it shall be the duty of the board, as soon as practicable and in any event before the expiration of the said period—

(*a*) to make order permitting the institution to resume business, either unconditionally or subject to such conditions as the board may consider necessary in the public interest or in the interests of the depositors and other creditors of the institution ; or

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(*b*) to cause the Director of Bank Supervision to make application to the competent court under such written law as may be applicable in that behalf for the winding up of the institution.

(4) Where an order has been made by the Monetary Board under subsection (3) permitting the resumption of business by any banking institution subject to such conditions as may be specified in the order, the competent court may, on application made to it in that behalf by the banking institution at any time while the order is in force, make a declaration permitting the institution to resume business unconditionally, or varying or altering, in such manner as the court may determine, any or all of the conditions specified by the board ; and any such declaration shall have effect notwithstanding anything in the order made by the board under subsection (3).

The Director of Bank Supervision shall be named respondent to any such application and shall be entitled on behalf of the board to be heard and to adduce evidence at the hearing thereof.

(5) In any case where application is made by the Director as provided in subsection (3) for the winding up of any banking institution—

(*a*) the institution shall not carry on business during the pendency of the application unless it is authorized so to do by the court and except in accordance with such conditions, if any, as may be specified by the court ; and

(*b*) the court, if it is of opinion after such inquiry as it may consider necessary, that the institution is not insolvent, may make a declaration permitting the institution to resume business either unconditionally or subject to such conditions as the court may consider necessary in the public interest or in the interests of the depositors and other creditors of the institution.

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(6) Every order made by a competent court under this section shall be subject to an appeal to the Supreme Court and the provisions of the Civil Procedure Code relating to appeals in civil actions shall apply *mutatis mutandis* in the case of any such appeal :

Provided that an order under paragraph (*a*) of subsection (5) shall be final and shall not be subject to appeal.

(7) Every application to a competent court under this section shall be deemed to be an action of the value of five thousand rupees.

(8) In this section, " competent court ", in relation to any banking institution, means the District Court of Colombo or of the district in which the principal office in Ceylon of the institution is maintained.

(9) Nothing in this section shall apply to or in relation to any banking institution unless it is an institution that is subject to or governed by any other written law which confers power to order winding up or liquidation.

Director of Bank Supervision to be liquidator in winding up of a banking institution.

31. In any case where an order is made, whether in pursuance of an application under section 30 or otherwise, for the winding up of any banking institution, then, notwithstanding anything in any other written law, the Director of Bank Supervision shall be appointed to be the liquidator for the purposes of such winding up.

Offences in regard to information and examinations.

32. (1) Any owner, agent, director, officer, or employee of any banking institution, who fails to furnish any information or to produce any book, record, or other document when required so to do by the Director of Bank Supervision or any examiner under the preceding provisions of this Part or who obstructs or fails to permit the Director or any examiner to make any examination authorized to be made under any such provision, shall be guilty of an offence.

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(2) Any person who in any report or information furnished to the Director of Bank Supervision, or to any examiner, makes any statement which he knows to be false shall be guilty of an offence.

(C)—*Other Departments*

Other departments.

33. The Monetary Board may establish and maintain such other departments as it may consider necessary for the proper and efficient conduct of the business of the Central Bank.

PART V—REPORTS AND PUBLICATIONS

Monthly statement.

34. The Central Bank shall, before the eighth day of each month, publish a general balance sheet showing the volume and composition of its assets and liabilities as on the last working day of the preceding month.

Annual report.

35. (1) Within three months after the end of each financial year, the Monetary Board shall submit to the Minister of Finance and shall publish an annual report on the condition of the Central Bank and a review of the policies and measures adopted by the Monetary Board during the financial year and an analysis of the economic and financial circumstances which prompted those policies and measures.

(2) The annual report shall include a statement of the financial condition of the Central Bank, and shall present as a minimum the following data:—

(*a*) the monthly movements of the money supply, distinguishing between currency and demand deposits;

(*b*) the monthly movements of purchases and sales of exchange and of the International Reserve of the bank;

(*c*) the annual balance of payments of Ceylon;

(*d*) the monthly indices of wages, of the cost of living, and of import and export prices;

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(*e*) the monthly movement, in summary form, of exports and imports, by volume and value ;

(*f*) the monthly movement of the accounts of the Central Bank and, in consolidated form, of the commercial banks ;

(*g*) the principal data on Government receipts and expenditures and on the state of the public debt, both domestic and foreign ; and

(*h*) the texts of the major legal enactments and administrative measures adopted by the Government and the Monetary Board during the year, which relate to the functions or operations of the Central Bank or of banking institutions operating in Ceylon.

(3) The annual report shall be laid before Parliament within fourteen days after the receipt thereof by the Minister of Finance, if Parliament is then in session, or, if Parliament is not in session, within fourteen days after the commencement of the next ensuing session.

Signatures on balance sheets and financial statements.

36. The balance sheets and other financial statements of the Central Bank (including the statement of financial condition referred to in section 35 (2)) shall be signed by the Governor and the Chief Accountant of the Bank, and shall be certified by the Auditor-General.

PART VI—PROFITS, LOSSES, AND SPECIAL ACCOUNTS

Financial year.

37. The financial year of the Central Bank shall be the calendar year.

Computation of profits and losses.

38. Before the expiration of thirty days after the end of each financial year, the Central Bank shall determine its net profits or losses, and in the calculation of net profits the bank shall make adequate allowance or establish adequate reserves for such purposes as the Monetary Board may deem fit.

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Distribution of profits.

39. Before the expiration of sixty days after the end of each financial year, the Monetary Board shall carry out the distribution of the net profits in accordance with the following provisions :—

(*a*) *Firstly*—all the net profits of the Central Bank shall be used to reduce the Monetary Adjustment Account, defined in the following section, whenever such account exists, until the account has been completely liquidated.

(*b*) *Secondly*—any net profits remaining after liquidation of the Monetary Adjustment Account, if any, shall be carried to surplus until such time as the total capital accounts of the bank reach a sum equal to at least fifteen *per centum* of the difference between the total assets of the bank and its assets in gold and in foreign currencies.

(*c*) *Thirdly*—any net profits remaining after compliance with the preceding provisions shall, after consultation with the Minister of Finance, either be applied in liquidation of any outstanding Government obligations to the Central Bank or be paid and credited to the Consolidated Fund.

Extraordinary expenses of currency issue and monetary stabilization.

40. The Monetary Board may, whenever it deems it advisable, exclude from the computation of the annual profits and losses of any particular financial year all or any part of any extraordinary expenses of the following description which may have been incurred during that year :—

(*a*) the costs of any extraordinary coin or note issue ;

(*b*) expenditures incurred in the issue and placing of, and the payment of interest on, the securities to which reference is made in section 91 ;

(*c*) interest paid on bank reserves in accordance with section 95.

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The amounts so excluded from the computation of profits and losses shall be entered in a suspense account which shall be called the "Monetary Adjustment Account". The expenses charged to such account shall in every case be amortized not later than five years after they are so charged.

Revaluation profits and losses.

41. (1) Profits or losses arising from any revaluation of the Central Bank's net assets or liabilities in gold or foreign currencies as a result of changes in the par value of the Ceylon rupee or of changes in the parities or exchange rates of foreign currencies with respect to the Ceylon rupee, or profits or losses assumed by the Central Bank in accordance with the provisions of section 79, shall not be included in the computation of the annual profits and losses of the Central Bank.

(2) All such profits or losses shall be carried in a special account, which shall be named "International Reserve Revaluation Account", and the net balance of which shall appear either among the liabilities or among the assets of the Central Bank, according as the revaluations have produced net profits or net losses.

(3) The International Reserve Revaluation Account shall be neither credited nor debited for any purposes other than those specifically mentioned in this section.

PART VII—AUDIT

Audit.

42. (1) The accounts of the Central Bank shall be audited by the Auditor-General and the cost of audit shall be paid by the bank.

(2) The Auditor-General shall submit an annual report on the accounts of the Central Bank to the Minister of Finance who shall lay such report before Parliament.

Powers and functions.

43. (1) The Auditor-General and any officer of his department authorized by him in that behalf shall at all times have the right of access to, and examination of, the accounts of the Central Bank and of all books and documents containing information with respect to matters connected with such accounts.

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(2) The Auditor-General shall at such intervals as may be fixed by the Minister of Finance furnish to him reports setting out the results of the examination of the accounts of the Central Bank.

PART VIII—RESTRICTIONS RELATING TO CENTRAL BANK OFFICERS AND SERVANTS

Persons interested in banking institutions not eligible for employment by Central Bank.

44. No person shall be eligible for employment as an officer or servant of the Central Bank, if he is a director, officer, or employee, or a shareholder, of any banking institution.

Duty to maintain secrecy.

45. (1) Except in the performance of his duties under this Act, every officer or servant of the Central Bank shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of any banking institution, or of any client of any such institution, that may come to his knowledge in the performance of his duties; and any such officer or servant who communicates any such matter to any person other than the Monetary Board or an officer of the Central Bank authorized in that behalf by the Governor, or suffers or permits any unauthorized person to have access to any books, papers, or other records relating to any banking institution, shall be guilty of an offence.

(2) No officer or servant of the Central Bank shall be required to produce in any court any book or document or to divulge or communicate to any court any matter or thing coming under his notice in the performance of his duties under this Act, except as may be necessary for the purpose of carrying into effect the provisions of this Act.

Liability for false statements in Central Bank accounts, &c.

46. Any member of the Monetary Board or any officer or auditor of the Central Bank who certifies or verifies any statement, account, or list required to be furnished to the Minister of Finance in pursuance of this Act, knowing the same to be false in any material particular, shall be guilty of an offence.

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Protection for acts done in good faith, &c.

47. (1) No member of the Monetary Board or officer or servant of the Central Bank shall be liable for any damage or loss suffered by the bank unless such damage or loss was caused by his misconduct or wilful default.

(2) Every member of the Monetary Board and every officer or servant of the Central Bank shall be indemnified by the bank from all losses and expenses incurred by him in or about the discharge of his duties, other than such losses and expenses as the board may deem to have been occasioned by his misconduct or wilful default.

CHAPTER III

The Central Bank And The Means Of Payment

PART I—ISSUE OF MEANS OF PAYMENT

(*A*)—*Currency*

Definition of "currency".

48. In this Act, "currency" means all currency notes and coins issued or circulating in accordance with the provisions of this Act.

Issue power.

49. The Central Bank shall have the sole right and authority to issue currency in Ceylon.

Prohibition against issue of notes by any person other than Central Bank.

50. (1) No person other than the Central Bank shall draw, accept, make, or issue any bill of exchange, promissory note, or engagement for the payment of money payable to bearer on demand, or borrow, owe, or take up any sum or sums of money on the bills or notes payable to bearer on demand of any such person:

Provided that cheques or drafts payable to bearer on demand may be drawn on commercial banks or agents by their customers or constituents in respect of moneys in the hands of such banks or agents held by them at the disposal of the person drawing such cheques or drafts.

(2) Every person who contravenes any provision of this section shall be guilty of an offence.

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Liability for notes and coins.

51. Currency notes and coins issued by the Central Bank shall be liabilities of the bank. The bank's holdings of its own notes and coins shall not be considered as part of its currency issue and, accordingly, shall not be taken into account in determining the assets or liabilities of the bank.

Currency to be legal tender.

52. All currency notes and coins issued by the Central Bank shall be legal tender in Ceylon for the payment of any amount.

Characteristics of currency.

53. (1) The Monetary Board shall, with the approval of the Minister of Finance, prescribe the denominations, dimensions, designs, inscriptions, and other characteristics of currency notes issued by the Central Bank.

(2) Every currency note shall bear the signatures in facsimile of the Minister of Finance and of the Governor of the Central Bank and shall be stated on the face thereof to be issued on behalf of the Government of Ceylon.

(3) The Monetary Board shall, with the approval of the Minister of Finance, prescribe the metals, fineness, weight, size, designs, denominations, and other characteristics of the coins issued by the Central Bank.

Contracts for printing of notes and minting of coins.

54. The Central Bank shall have the authority to enter into contracts with other persons in Ceylon or abroad for the printing of currency notes and the minting of coins.

Exchange of currency.

55. Upon surrender by any person to the Central Bank of any Ceylon currency, the bank shall deliver to that person in exchange, on demand and without charge, Ceylon coins and currency notes of equivalent value in such denominations as may be required by that person:

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Provided that if the bank is temporarily unable to deliver currency notes or coins of any required denomination, the bank shall be deemed to comply with its obligation if it delivers notes or coins of the next higher or next lower available denomination.

Replacement of currency unfit for circulation.

56. The Central Bank shall withdraw from circulation and shall cancel all currency notes and coins which for any reason whatsoever are unfit for circulation, and shall, as soon as practicable and subject to such rules and regulations as may be made in that behalf by the Monetary Board with the approval of the Minister of Finance replace them by the delivery in exchange of fit notes and coins.

Retirement of old notes and coins.

57. (1) The Monetary Board may in its discretion, by notice published in the Gazette, call in for replacement currency notes or coins of any issue or denomination.

(2) Notes and coins called in for replacement in accordance with this section shall remain legal tender for such period not exceeding one year from the date of call as may be prescribed by the Monetary Board and shall thereafter cease to be legal tender.

(3) During the period of five years succeeding the date of call, or such longer period as the Monetary Board may determine, the Central Bank or any agent authorized by the board for the purpose, shall, upon surrender of any currency notes or coins so called in for replacement, replace such notes or coins, at par and without charge, by the delivery in exchange of fit notes or coins.

(4) All currency notes and coins called in for replacement and not surrendered as provided in subsection (3) shall cease to be a liability of the Central Bank and the bearer of any such notes or coins shall not be entitled to any compensation.

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Mutilation or defacement of currency notes.

58. Any person who without the authority of the Monetary Board—

(*a*) cuts, perforates, or in any other way whatsoever mutilates any currency note,

(*b*) prints, stamps, or draws anything upon any currency note, or affixes any seal or stamp to or upon any currency note, or

(*c*) attaches or affixes to or upon any currency note anything in the nature or form of an advertisement,

shall be guilty of an offence.

Conclusive evidence of imitation of a currency note.
[§ 2, 33 of 1954.]

59. (1) Where in any proceedings in any court it has to be determined whether a document purporting to be a currency note is an imitation of a currency note, a certificate under the hand of the Governor of the Central Bank or, if the Governor is temporarily absent from duty or temporarily unable to perform his functions and duties, a certificate under the hand of the Deputy Governor for the time being acting as the chief executive officer of the Central Bank, to the effect that such document is an imitation of a currency note and is not a currency note issued or deemed to be issued by the Central Bank of Ceylon shall be received in those proceedings as conclusive evidence of the fact that such document is an imitation of a currency note.

(2) The Governor or the Deputy Governor of the Central Bank who issues a certificate under this section shall not be examined or cross-examined with respect to that certificate.

(3) Every certificate issued under this section shall be in the following form:—

I, ..., Governor of the Central Bank of Ceylon,*/Deputy Governor for the time being acting as the chief executive officer of the Central Bank of Ceylon, do hereby certify that I have examined the document marked ..... which purports to be a currency note of the denomination ....., bearing number ....., and dated ....., and that such document is an imitation of a currency note and is not a currency note issued or deemed to be issued by the Central Bank of Ceylon.

Signature : .....

Date : .....

(* *Delete inapplicable words.*)

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Application of section.
[§ 3, 33 of 1954.]

(4) This section shall apply—

(*a*) to proceedings in respect of all offences whether committed before or after the 8th day of July, 1954, and

(*b*) to proceedings pending before or awaiting inquiry or trial in any court on the 8th day of July, 1954.

(*B*)—*Demand Deposits*

Definition of "demand deposits".

60. For the purposes of this Act, "demand deposits" means all those liabilities of the Central Bank and of commercial banks which are denominated in Ceylon currency and are subject to payment in legal tender upon demand by cheque, draft, or order.

Acceptance and creation of demand deposits.

61. The acceptance or creation of demand deposits shall be subject to the control of the Monetary Board in accordance with the powers granted to the board under this Act.

PART II—THE MONEY SUPPLY

Definition of "the money supply".

62. For the purposes of this Act, "the money supply" means all currency and demand deposits owned by persons other than commercial banks or the Government.

CHAPTER IV

The Central Bank And National Monetary Policy

PART I—DOMESTIC MONETARY STABILIZATION

Principles governing determination of domestic monetary policy.

63. (1) The Monetary Board shall endeavour so to regulate the supply, availability, and cost of money as to secure, so far as possible by action authorized by this Act, the objects mentioned in section 5 ; and shall for such purpose have regard to the monetary needs of particular sectors of the economy as well as of the economy as a whole.

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(2) In determining its domestic monetary policies the Monetary Board shall especially consider their effects on Ceylon's international financial position as evidenced by the relation of domestic to world prices and costs, by the level and composition of exports and imports, by the international balance of payments, and, ultimately, by the ability of the Central Bank to maintain the international stability of the Ceylon rupee and its free convertibility for current international transactions.

Action to preserve domestic monetary stability.

64. (1) Whenever the Monetary Board anticipates economic disturbances that are likely to threaten domestic monetary stability in Ceylon or whenever abnormal movements in the money supply or in the price level are actually endangering such stability, it shall be the duty of the board—

(*a*) to adopt such policies, and to cause such remedial measures to be taken, as are appropriate in the circumstances and authorized by this Act ; and

(*b*) to submit to the Minister of Finance, and, if not prejudicial to the public interest, make public, a detailed report which shall include, as a minimum, an analysis of—

(i) the causes of the anticipated economic disturbances, or of the actual abnormal movements of the money supply or the price level ;

(ii) the probable effects of such disturbances or movements on the level of production, employment, and real income in Ceylon ; and

(iii) the measures which the Monetary Board has already taken, and the further monetary, fiscal, or administrative measures which it proposes to take or recommends for adoption by the Government.

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(2) Without prejudice to the generality of the provisions of subsection (1), it shall be the duty of the Monetary Board to submit a report in terms of paragraph (*b*) of that subsection if at the end of any month the board finds that the amount of the money supply has increased or decreased by more than fifteen *per centum*, or the cost of living index has increased by more than ten *per centum*, of its level at the end of the corresponding month in the preceding year.

(3) The Monetary Board shall continue to submit further reports periodically so long as the circumstances which occasioned the submission of the first report constitute a threat to domestic monetary stability.

PART II—INTERNATIONAL MONETARY STABILIZATION

Principles governing determination of international monetary policy.

65. In determining its international monetary policies the Monetary Board shall endeavour to maintain the par value of the Ceylon rupee and so to regulate its exchange with other currencies as to assure its free use for current international transactions.

International Reserve.

66. (1) In order to maintain the international stability of the Ceylon rupee and to assure the greatest possible freedom of its use for current international transactions, the Monetary Board shall endeavour to maintain among the assets of the Central Bank an international reserve adequate to meet any foreseeable deficits in the international balance of payments.

(2) In judging the adequacy of the International Reserve, the Monetary Board shall be guided by estimates of the prospective receipts and payments of foreign exchange by Ceylon ; by the volume and maturity of the Central Bank's own liabilities in foreign currencies ; and, in so far as they are known or can be estimated, by the volume and maturity of the foreign exchange assets and liabilities of the Government and of banking institutions and other persons in Ceylon. So long as any part of the foreign currency

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assets of Ceylon are held in currencies which are not freely convertible by the Central Bank, whether directly or indirectly, into gold, or are frozen, the Monetary Board shall also take this factor into account in judging the adequacy of the Central Bank's International Reserve.

Composition of International Reserve.

67. (1) The International Reserve of the Central Bank may include the following assets:—

(i) gold ; and

(ii) assets in foreign currencies in the form of—

(*a*) documents and instruments of types customarily employed for the international transfer of funds ; or

(*b*) demand and time deposits in central banks, treasuries, and commercial banks abroad ; or

(*c*) securities of foreign Governments ; or

(*d*) foreign notes and coins.

(2) The Monetary Board shall endeavour to hold at least a nuclear reserve in gold or currencies freely convertible by the Central Bank, whether directly or indirectly, into gold. The board shall particularly consider the prospects of stability and convertibility of all of the currencies in the International Reserve as well as the anticipated demand for such currencies.

Action to preserve the international stability of the rupee.

68. (1) Whenever the Monetary Board anticipates that there may develop a deficit in the international balance of payments of such magnitude as to cause a serious decline in the International Reserve, or whenever there is an imminent threat of a serious decline in the International Reserve, or whenever the International Reserve actually falls to a level which the board considers to be a threat to the international stability of the Ceylon rupee, or whenever international payments or remittances are being made

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which in the opinion of the board constitute an actual or a potential threat to such stability or are prejudicial to the national welfare, it shall be the duty of the board—

(*a*) to adopt such policies, and to cause such remedial measures to be taken, as are appropriate to the circumstances and authorized by this Act, and

(*b*) to submit to the Minister of Finance a detailed report which shall include, as a minimum, an analysis of—

(i) the nature, causes, and magnitude of the actual or potential threat to the international stability of the Ceylon rupee ; and

(ii) the measures which the board has already taken, and the further monetary, fiscal, or administrative measures which it proposes to take or recommends for adoption by the Government.

(2) The Monetary Board shall submit further periodical reports to the Minister of Finance until the threat to the international stability of the rupee has disappeared.

Alteration of par value of rupee.

69. (1) The Monetary Board may by unanimous decision recommend to the Minister of Finance the alteration of the par value of the Ceylon rupee, if the board is of opinion that such alteration is rendered necessary in any of the following circumstances, that is to say :—

(*a*) if the continuance of the existing par value hinders, or is likely to hinder, unduly the achievement and maintenance of a high level of production, employment, and real income and the full development of the productive resources of Ceylon, or results, or is likely to

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result, in a serious decline in the International Reserve of the Central Bank or in other utilizable external assets of Ceylon, or if such a decline cannot be prevented except by—

(i) a large-scale increase in the external liabilities of Ceylon ; or

(ii) the persistent use of restrictions on the convertibility of the rupee into foreign currencies in settlement of current transactions ; or

(iii) undue or sustained Government assistance to one or more of the major export industries ; or

(iv) prolonged use of measures designed to restrict the volume of imports of essential commodities ; or

(*b*) if the maintenance of the existing par value is producing, or is likely to produce, a persisting surplus in the balance of payments on current account and a monetary disequilibrium which cannot be adequately corrected by other Government action or by any Central Bank action authorized by this Act ; or

(*c*) if uniform proportionate changes in the par values of the currencies of its members are made by the International Monetary Fund.

(2) Subject as hereinafter provided, no alteration of the par value of the Ceylon rupee shall be made except by Act of Parliament :

Provided, however, that, in the event of an emergency so grave or of circumstances so urgent as to require immediate action, the Governor-General may, if the Minister of Finance so advises after consultation with the Monetary Board, by Order published in the Gazette modify the par value of the rupee.

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(3) An Order made by the Governor-General under subsection (2) shall have effect for a period of ten days from the date of the publication thereof in the Gazette and shall then expire :

Provided, however, that if Parliament has been dissolved prior to the date of the publication of the Order, the Order shall have effect until the expiration of a period of ten days after the first meeting of the new Parliament, and shall then expire.

(4) Forthwith upon the expiration of an Order made under subsection (2), the par value of the Ceylon rupee shall revert to the value obtaining immediately prior to the date of the publication of the Order in the Gazette, unless provision to the contrary is made by Act of Parliament.

CHAPTER V

Instruments Of Central Bank Action

PART I—OPERATIONS IN GOLD AND FOREIGN EXCHANGE

Dealings in gold.

70. The Central Bank may import, export, buy, sell, hold, or otherwise deal in gold in any form.

Foreign exchange operations of Central Bank.

71. (1) The Central Bank may engage in spot or other foreign exchange operations, that is to say, it may effect transfers of funds by telegram, letter, or other method of communication, and may buy and sell foreign notes and coins and any documents or instruments of types customarily employed for the international transfer of funds.

(2) Foreign exchange operations may be transacted by the Central Bank only with—

(*a*) commercial banks operating in Ceylon ;

(*b*) the Government and agencies or institutions acting on behalf of the Government (whether established by any written law or otherwise) ;

(*c*) foreign commercial or central banks ;

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(*d*) international financial institutions ; and

(*e*) foreign Governments and agencies or institutions acting on behalf of foreign Governments.

Purchases and sales of foreign exchange from or to commercial banks in Ceylon.

72. (1) In order to ensure the free use of the Ceylon rupee for current international transactions, the Central Bank shall buy any quantity of foreign exchange offered, or sell any quantity of foreign exchange demanded, by any commercial bank in Ceylon :

Provided that nothing in the preceding provisions of this subsection shall require the Central Bank to purchase foreign exchange in any currency which is not freely convertible by the bank, whether directly or indirectly, into gold, unless, in the opinion of the Monetary Board, there is an adequate demand, actual or anticipated, for such currency for the purpose of making payments for current international transactions, or unless the Monetary Board, with the concurrence of the Minister of Finance, makes a determination that the acquisition of such currency is in the national interest.

(2) Notwithstanding anything in subsection (1), the Monetary Board may by unanimous decision and with the approval of the Minister of Finance temporarily suspend or restrict sales of foreign exchange by the Central Bank in any case where such action is considered necessary in order to conserve the International Reserve of the Central Bank during any period of crisis affecting exchange.

Parities of foreign currencies with respect to the rupee.

73. (1) The Governor shall determine and certify the parities with respect to the Ceylon rupee of foreign currencies ordinarily required for the international transactions of Ceylon. Parities so determined and certified shall be published in the Gazette, and shall be recognized as the legal parities for all purposes. The Governor may in addition certify the parity of any foreign currency not included in the published list of parities.

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(2) The Governor may at any time desist from certifying or publishing the parity of any foreign currency if the exchange rates for that currency in international markets are unstable or widely divergent.

(3) The legal parities of foreign currencies with respect to the Ceylon rupee shall be determined by the Governor, in accordance with the following provisions :—

(*a*) The currency of a country which is a member of the International Monetary Fund shall have its parity with respect to the rupee established on the basis of its par value as agreed with the fund in every case where the country is permitting exchange transactions between its currency and the currencies of other members only within the maximum and the minimum rates prescribed in the International Monetary Fund Agreement for such transactions. In any other case, or if the par value of the currency of a member country has not been agreed with the fund, the parity of such currency with respect to the rupee may be calculated on the basis of the exchange rates for that currency in the international markets ; and if there is divergence among the rates quoted in the international markets, the Governor may determine which rates to use for the determination of parity.

(*b*) The currency of a country which is not a member of the International Monetary Fund shall have its parity with the rupee established on the basis of its gold equivalent, if the currency is freely convertible, whether directly or indirectly, into gold. If the currency is not so convertible, its parity shall be calculated on the basis of exchange rates for that currency in the international markets ; and if there is divergence among the rates quoted in the international markets, the Governor may determine which rates shall be used for the determination of parity.

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Exchange rates for Central Bank transactions.

74. (1) The Monetary Board shall from time to time determine the rates at which the Central Bank will buy and sell foreign exchange.

(2) The rates determined under subsection (1) for spot transactions shall not differ by more than one-half of one *per centum* from the legal parities determined under section 73, except in the case of the rates for purchases and sales of foreign notes and coins, in which case the board may have regard to the additional costs of, or incidental to, such transactions.

(3) The rates determined under subsection (1) for transactions other than spot transactions shall not differ from the corresponding rates for spot transactions, except in so far as is necessary to reimburse the bank for the additional costs, expenses, or risks of each type of transaction.

(4) The Central Bank shall not accept any commission or impose any charge of any description in respect of the purchase or sale of foreign exchange, except telegraphic or other costs actually incurred in connexion with such purchase or sale.

(5) The provisions of subsections (2) and (3) shall not apply at any time during which the sales of foreign exchange by the Central Bank are restricted under section 72.

Loans to and from foreign institutions, &c.

75. (1) The Central Bank may grant loans to, or take loans from, any institution of any description referred to in paragraphs (*c*), (*d*), and (*e*) of subsection (2) of section 71 and may engage in such other transactions with such institutions as are expedient or desirable in the public interest and are appropriate having regard to the character of the bank as a Central Bank.

The Central Bank may act as agent or correspondent of any such institution other than a foreign commercial bank.

(2) Any loan taken as provided in subsection (1) may be secured by gold or other assets held by the Central Bank.

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PART II—REGULATION OF FOREIGN EXCHANGE OPERATIONS OF COMMERCIAL BANKS

Rates applicable to purchases and sales of exchange by commercial banks.

76. (1) The Monetary Board shall determine the minimum rate at which commercial banks may buy spot exchange and the maximum rate at which they may sell spot exchange. Where the Monetary Board has certified the legal parity of a currency in accordance with section 73, the maximum and minimum exchange rates established for such currency shall not differ from such parity by more than one *per centum*.

(2) No commercial bank shall buy spot exchange at any rate below the minimum rate determined under subsection (1) or sell spot exchange at any rate exceeding the maximum rate so determined; and no commercial bank shall in respect of any purchase or sale of such exchange accept any commission or impose any charge of any description except telegraphic or other costs actually incurred in connexion with such purchase or sale.

(3) No commercial bank shall carry out any transaction in exchange, not being a spot transaction, at any rate which differs from the rate determined under subsection (1) for a spot transaction—

(*a*) by a margin greater than is reasonable having regard to the additional costs, expenses or risks of the transaction; or

(*b*) by such margin, if any, as may be prescribed in that behalf by the Monetary Board.

(4) The preceding provisions of this section shall not apply at any time during which the sales of foreign exchange by the Central Bank are suspended or restricted under section 72.

Control of foreign exchange holdings of commercial banks.

77. (1) In order more effectively to control the use and disposition of the foreign exchange resources of Ceylon or in order to promote the domestic investment of the resources of commercial banks, the

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Monetary Board may from time to time fix, or prescribe the manner of determination of, the maximum amount of the working balances which commercial banks may hold in foreign currencies generally or in any specified foreign currency or currencies, and may from time to time require such banks to sell to the Central Bank all or any specified part of the surpluses in excess of such maximum amount.

(2) The Monetary Board may, having regard to the special needs of any particular commercial bank, permit that bank to hold working balances in any specified foreign currency in excess of the maximum amount fixed or determined for such currency under subsection (1).

(3) In ascertaining whether the working balances of any commercial bank in any foreign currency are in excess of the maximum amount fixed or determined as herein before provided, there may be deducted from such balances the net liabilities of that bank in currencies into which the first-mentioned currency is freely convertible.

Requirements regarding currency positions of commercial banks.

78. (1) The Monetary Board may direct that the proportion which the assets in Ceylon rupees of commercial banks in Ceylon bear to the liabilities in Ceylon rupees of such banks shall not be less than such proportion as the Monetary Board may prescribe, or may direct such banks to maintain a balanced position between their assets and liabilities in any currency or currencies in which they operate. The board shall allow to such banks a reasonable period of time in which to comply with any such direction.

(2) Any direction under subsection (1) shall be made applicable to all commercial banks without discrimination :

Provided, however, that the Monetary Board may give such a direction to any particular commercial bank in any case where, in the opinion of the board, such action is necessary in order to protect against possible loss depositors and other creditors of the bank who are citizens of Ceylon or companies or associations controlled by citizens of Ceylon.

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Revaluation profits and losses on holdings of gold and foreign exchange by banking institutions.

79. (1) Any revaluation profits realized or any revaluation losses incurred by banking institutions on their net assets or liabilities in gold or in foreign currencies freely convertible by the Central Bank, whether directly or indirectly, into gold, and arising from changes in the par value of the Ceylon rupee or in the legal parities, or in the Central Bank's exchange rates, of such currencies with respect to the Ceylon rupee, shall be assumed in their entirety by the Central Bank and shall be debited or credited accordingly.

(2) (*a*) If the Monetary Board so declares, the provisions of subsection (1) shall apply in relation to revaluation profits realized or revaluation losses incurred by banking institutions on their net assets or liabilities in any specified foreign currency which is not freely convertible by the Central Bank, whether directly or indirectly, into gold.

(*b*) Any such declaration shall have effect until it is revoked by the board. Notice of the date on which any such declaration will be revoked shall be given to banking institutions not less than eight days before the proposed date of revocation.

(*c*) During the period commencing on the date of the notice referred to in paragraph (*b*) and ending on the date of revocation of the declaration to which it relates, every banking institution shall comply with such directions, if any, as may be given by the Monetary Board for the purpose of preventing banking institutions from increasing their holdings of the currency to which the declaration relates.

Information on exchange operations.

80. (1) Every commercial bank shall, as soon as may be after the close of business at the end of such period as may be prescribed by the Monetary Board, make a report to the Central Bank setting out the volume and composition of its purchases and sales of foreign exchange during that period, and shall furnish such additional information as the Central Bank may require with reference to such purchases and sales and to the movements of its accounts in foreign currencies.

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(2) The Monetary Board may also require any other person to make reports to the Central Bank at specified times or intervals as to all transactions or operations in gold, in any shape or form, and in foreign exchange.

(3) Every report under this section shall be in such of the appropriate forms as the Monetary Board may prescribe for the purpose.

(4) The Director of Bank Supervision may make such inspection or examination of the books and accounts kept by any commercial bank or other person as he may deem necessary for the purpose of verifying the accuracy of any statement set out in any report made by such commercial bank or person.

Capital movements.

81. Whenever there is in progress an inward or outward movement of capital which in the opinion of the Monetary Board is actually endangering, or threatening to endanger, the domestic or international stability of the Ceylon rupee, it shall be the duty of the board to take such action as is appropriate under section 64 or section 68.

PART III—CREDIT OPERATIONS WITH BANKING INSTITUTIONS

Principles governing credit operations.

82. (1) The Central Bank shall exercise the authority conferred by this Part of this Act to carry out the national monetary policy by regulating the supply, availability, cost, and character of credit and by providing the banking system with liquid funds in times of need.

(2) If the Monetary Board determines that it is necessary so to do by reason that, in the opinion of the board, there is in progress, or has occurred, an expansion of the money supply that represents a threat to the domestic or international monetary stability of Ceylon, the board shall direct the suspension of the grant of credit by the Central Bank to banking institutions, except when the board, having regard to the special circumstances, by unanimous decision approves the grant of credit.

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Types of operations normally authorized.

83. (1) Subject to the principles stated in section 82 of this Act, the Central Bank may ordinarily transact with commercial banks and the Co-operative Federal Bank of Ceylon, Limited, credit operations of any description set out hereunder :—

(*a*) Commercial credits.—The Central Bank may discount, rediscount, buy, and sell bills, acceptances, promissory notes, and other credit instruments with maturities of not more than 180 days from the date of their discount, rediscount, or acquisition by the Central Bank and resulting from transactions related to—

(i) the importation, exportation, purchase, or sale of readily saleable goods and products, or their transportation within Ceylon ; or

(ii) the storage of non-perishable goods and products which are duly insured and deposited under conditions assuring their preservation, in authorized bonded warehouses or in other places approved by the Monetary Board.

(*b*) Production credits.—The Central Bank may discount, rediscount, buy, and sell bills, acceptances, promissory notes, and other credit instruments having maturities of not more than 270 days from the date of their discount, rediscount, or acquisition by the Central Bank and resulting from transactions related to the production, manufacture, or processing of agricultural, animal, mineral, or industrial products.

(*c*) Advances.—The Central Bank may grant loans or advances for any fixed period not exceeding 180 days upon promissory notes secured by the pledge with the bank of—

(i) gold coins or bullion ; or

(ii) negotiable Treasury Bills, promissory notes, debentures, bonds, or other negotiable securities of the Government ; or

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(iii) securities issued by the Central Bank itself or other credit instruments of banking institutions operating in Ceylon and approved by the Monetary Board ; or

(iv) credit instruments referred to in paragraph (*a*) of this subsection ; or

(v) credit instruments referred to in paragraph (*b*) of this subsection.

Notwithstanding anything in the preceding provisions of this paragraph, a loan or advance secured by the pledge of any credit instrument referred to in paragraph (*b*) of this subsection may be for a period not exceeding 270 days.

(2) Except in such circumstances and subject to such conditions as the Monetary Board may determine, the Central Bank shall not grant to any commercial bank or to the Co-operative Federal Bank of Ceylon, Limited, any loan or advance upon the security of the pledge of any instrument referred to in paragraph (*c*) of subsection (1) in any case where such instrument is held by such commercial bank or the Co-operative Federal Bank of Ceylon, Limited, as security for the repayment to it of the amount due upon any overdraft account.

Extension of maturities.

84. Whenever, in the opinion of the Monetary Board, a deflationary situation exists which requires special relaxation of normal maturities applying to Central Bank credit operations, the board may determine that credits may be granted by the bank on instruments referred to in paragraph (*a*) or paragraph (*b*) of section 83 (1) having a maturity of a period longer than the period specified in those paragraphs but not exceeding one year, and may authorize loans or advances to be granted under paragraph (*c*) of that section for any period not exceeding one year.

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Loans to mortgage institutions.

85. (1) In special circumstances in which the Monetary Board considers it necessary to promote or facilitate lending operations or particular classes of such operations by banking institutions which make loans upon mortgages, whether of movable or of immovable property, the Central Bank may grant loans or advances to any such institution against promissory notes given by such institution subject to and in accordance with the following conditions :—

(*a*) that the loan or advance is repayable within a period not exceeding one year ;

(*b*) that the repayment to the Central Bank of the loan or advance is secured by the assignment to the bank by way of pledge—

(i) of debts falling due for payment within the same period to the institution by its borrowers, and

(ii) of the mortgages given as security for the payment of such debts to the institution ;

(*c*) that the borrowers from whom such debts are due to the institution are not in default or arrears ; and

(*d*) that the total amount of the loan or advance by the Central Bank must not exceed fifty *per centum* of the total amount of the debts which are so assigned to it.

(2) The Central Bank may make advances to any institution referred to in subsection (1) upon the terms and conditions mentioned in section 83 (1).

(3) Loans or advances shall not be made under subsection (1) by the Central Bank at any time when the board is of opinion that the grant thereof would cause or aggravate inflationary tendencies.

Emergency loans and advances.

86. (1) In periods of emergency or of imminent financial panic which directly threaten monetary and banking stability, the Central Bank may grant to banking institutions, and may renew, extraordinary loans or advances secured by any assets which are defined as acceptable for the purpose by the Monetary Board by unanimous decision.

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(2) A banking institution to which an extraordinary loan or advance is granted under subsection (1) shall not, while the loan or advance is outstanding, expand the total volume of its loans and investments except with the prior approval of the Monetary Board.

Interest and discount rates.

87. The Monetary Board shall fix the interest and discount rates to be charged by the Central Bank on its credit operations in accordance with the character and term of each such operation ; and the board shall, in so doing, have regard to the soundness of credit conditions, the needs of the market, and the general requirements of the national monetary policy.

General conditions as to grant of credit facilities.

88. The Monetary Board may prescribe the conditions subject to which credit facilities of the Central Bank will be available to banking institutions, including conditions relating to the rates of interest charged by such institutions, to the purposes for which their loans in general are destined, and to any other matter affecting or connected with the credit policy of such institutions.

PART IV—CREDIT OPERATIONS WITH THE GOVERNMENT

Provisional advances to the Government.

89. The Central Bank may make direct provisional advances to the Government to finance expenditures authorized to be incurred out of the Consolidated Fund :

Provided that every such advance shall be repayable within a period not exceeding six months, and the total amount of such advances outstanding at any time shall not exceed ten *per centum* of the estimated revenue of the Government for the financial year in which they are made.

PART V—OPEN-MARKET OPERATIONS

Principles governing open-market operations.

90. (1) The Central Bank shall so exercise the authority conferred by this Part of this Act to conduct open-market operations as to secure any of the following purposes, that is to say :—

(*a*) to increase the liquidity or stabilize the values of the securities referred to in section 91 in order thereby to promote private investment

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in such securities ; and to prevent or moderate sharp fluctuations in the quotations of such securities, so, however, as not to alter fundamentally movements in the market resulting from basic changes in the pattern or level of interest rates ;

(*b*) to increase or decrease the supply, availability, and cost of money in accordance with the national monetary policy as determined by the Monetary Board.

(2) In conducting open-market operations in Government securities, the Central Bank shall have regard to the need for maintaining adequate holdings of short-term securities in order to enable the bank more readily to contract its credit if such contraction becomes necessary.

(3) If the Monetary Board determines that it is necessary so to do by reason that, in the opinion of the board, there is in progress, or has occurred, an expansion of the money supply or of bank reserves that represents a threat to the domestic or international monetary stability of Ceylon, the board shall take action to secure—

(*a*) that purchases of rupee securities in the open market by the Central Bank are suspended, except in special circumstances where the board by unanimous decision determines that such purchases are necessary in the public interest ; and

(*b*) that sales of rupee securities are transacted in the open market by the bank to such extent as market conditions permit.

Authority of Central Bank to transact open-market operations.

91. (1) In order to carry out the purposes of this Part the Central Bank is hereby authorized—

(*a*) to purchase and sell in the open market securities issued by the Government or securities fully guaranteed by the Government ; and

(*b*) to issue, place, buy, and sell freely negotiable securities of the bank itself.

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(2) The power conferred on the Central Bank by the preceding provisions of this section shall be deemed to include the power to purchase and sell Government securities which are denominated in foreign currencies.

Conditions as to issue of securities by Central Bank.

92. (1) Securities issued by the Central Bank shall be on such terms and conditions and in such form as may be determined by the Monetary Board.

(2) Any security issued by the Central Bank which is purchased or redeemed by the bank shall not be included among its assets and shall be immediately retired and cancelled.

PART VI—REGULATION OF THE RESERVES OF COMMERCIAL BANKS

Reserve requirements.

93. (1) The Monetary Board shall, in order to limit the volume of money created by the credit operations of the banking system, require commercial banks operating in Ceylon to maintain reserves against their deposit liabilities, and shall for such purpose define the classes of deposit liabilities against which reserves shall be held.

(2) The reserves required to be held by any commercial bank shall be proportional to the volume of its deposit liabilities and shall ordinarily take the form of rupee deposits in the Central Bank:

Provided that the Monetary Board may in its discretion permit the maintenance of any part of the required reserves in the form of assets other than rupee deposits in the Central Bank.

Monetary Board to prescribe reserve ratios.

94. (1) The Monetary Board shall prescribe, and may from time to time modify, the reserve ratios applicable to each class of deposit liabilities. The ratios so prescribed shall not be less than five *per centum* or more than twenty *per centum* in the case of time and savings deposits, and shall not be less than ten *per centum* or more than forty *per centum* in the case of demand deposits and unused balances of overdrafts allowed.

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(2) Any increase of the reserve ratio which is to be applicable in respect of any existing liability shall be made by the board in a gradual manner and shall not exceed four percentage points in any one period of thirty days. The board shall, except in extraordinary circumstances, endeavour to give the commercial banks at least fourteen days' notice of the date on which any such increase is to become effective.

Fixing of special high ratios in time of inflation.

95. (1) Notwithstanding anything in section 94, the Monetary Board may, during periods of inflation or when inflation is anticipated, prescribe reserve ratios not exceeding one hundred *per centum* in respect of the amount by which any commercial bank's deposit liabilities of any class may, after the date on which notice is given to that bank of the fixing of the new reserve ratio, exceed the amount of such deposit liabilities of that bank on that date.

(2) In any case where any commercial bank is required, by reason of the exercise of the powers conferred on the Monetary Board by subsection (1), to maintain a minimum reserve against any class of deposit liabilities of an amount exceeding the maximum amount specified in section 94 (1) for that class of deposit liabilities, the Central Bank shall pay to that bank interest on the amount in excess at a rate not higher than the Central Bank's lowest discount rate for the time being in operation.

Computation of required reserves.

96. The required reserves of each commercial bank shall be calculated weekly on the basis of the amount, at the close of business on such day of each week as may be prescribed by the Monetary Board, of its deposit liabilities against which reserves are required to be maintained.

In the computation of the required reserves of a commercial bank, its principal office in Ceylon and all its branches and agencies in Ceylon shall be considered together as one unit.

Consequences of reserve deficiencies.

97. (1) Whenever the reserves of any commercial bank are below the required reserves computed in the manner provided in section 96, the bank shall, within such time as may be prescribed by the Monetary

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Board, pay to the Central Bank interest on the amount of the deficiency at such rate not exceeding one-thirtieth of one *per centum* per day as may be so prescribed.

(2) In any case where any bank fails more or less continuously to maintain the required reserves, the Monetary Board may make order—

(*a*) prohibiting or restricting the making of new loans or investments by that bank ; and

(*b*) prohibiting the application of the whole or any specified part of the net profits of that bank for the purpose of the payment of a dividend to its shareholders.

Clearance and settlement.

98. (1) The Central Bank shall provide facilities for clearance transactions among commercial banks operating in Ceylon.

(2) The deposit reserves maintained by commercial banks in the Central Bank under the preceding provisions of this Part shall serve as a basis for the clearance of cheques and the settlement of balances among such banks in accordance with such rules as may be made in that behalf by the Monetary Board.

PART VII—ADDITIONAL REGULATION OF CREDIT OPERATIONS OF BANKING INSTITUTIONS

Principles governing additional regulation.

99. The powers conferred on the Monetary Board by this Part of this Act shall be so exercised as to regulate the supply, availability, cost and character of bank credit in accordance with the national monetary policy as determined by the board, and to ensure that bank credit is not granted for speculative purposes, or other purposes, prejudicial to the public interest.

Maturities of bank loans and security therefor.

100. The Monetary Board may from time to time by order prescribe the maximum permissible maturities for loans and investments made by commercial banks after the order comes into force and the nature and amount of the security to be permitted or required for various types of credit operations.

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Limitation of loans and investments of commercial banks.

101. (1) The Monetary Board may from time to time by order—

(*a*) prohibit commercial banks from increasing the amount of their loans and investments ; or

(*b*) fix limits to the rate at which the amount of loans and investments may be increased within specified periods :

Provided, however, that nothing in any such order shall be deemed to require any commercial bank to reduce the amount of its loans and investments below the amount outstanding at the date of the order.

(2) An order under subsection (1) may be made applicable to all the loans and investments of each commercial bank or any specified class or classes of such loans and investments so, however, that every such order shall be applicable to all banks uniformly and without discrimination.

Minimum capital ratios.

102. The Monetary Board may from time to time by order prescribe the minimum ratios which the capital and surplus of commercial banks shall bear to the total volume of their assets or to any specified categories of such assets.

Margin requirements against letters of credit.

103. The Monetary Board may by order direct that letters of credit shall not be opened by commercial banks unless such letters are covered by minimum margins of such kind, amount, or proportion as may be prescribed by the board ; different margins may be so prescribed for different classes of transactions to be financed by means of letters of credit.

Fixing of interest rates, commissions and charges.

104. (1) The Monetary Board may from time to time make order—

(*a*) fixing the maximum rates of interest which commercial banks may pay upon various classes of deposits ; or

(*b*) fixing the maximum rates of interest which commercial banks may charge for different types of loans or other credit operations.

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(2) Subject as hereinafter provided, the maximum rate of interest fixed by order under subsection (1) shall apply in relation to any deposit, or to any loan or credit operation, as the case may be, completed before the date on which the order comes into force :

Provided, however, that nothing in any such order—

(*a*) shall apply in relation to any interest accrued before that date ; or

(*b*) shall require or be deemed to require the reduction of the rate of interest payable upon any deposit completed before that date if such reduction would constitute a breach of the contract or agreement relating to such deposit.

(3) For the purposes of preventing evasion of any order made under subsection (1), the Monetary Board may from time to time prescribe the maximum rates which may be paid to or charged by commercial banks in the form of commissions, discounts, fees or other payments whatsoever.

Conditions of eligibility of credit instruments for discount, &c., by Central Bank.

105. The Monetary Board may declare that credit instruments held by banking institutions will not be accepted for discount or rediscount by, or advances from, the Central Bank, if the interest rates charged by such institutions in respect of the loans or other credit operations to which such instruments relate exceed the interest or rediscount rates of the Central Bank by more than such percentage or margin as may from time to time be prescribed by the board.

CHAPTER VI

The Central Bank As Fiscal Agent, Banker, And Financial Adviser Of The Government

Central Bank to be fiscal agent and banker of the Government.

106. (1) The Central Bank shall act as the fiscal agent and banker of the Government and of agencies or institutions acting on behalf of the Government, whether established by any written law or otherwise.

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(2) The Central Bank may, in addition to exercising the functions mentioned in subsection (1), act as agent of the Government for the purposes of any matter or transaction if it is authorized so to do by the Minister of Finance after consultation with the Monetary Board.

Official depository of the Government.

107. (1) The Central Bank shall be the official depository of the Government and of agencies or institutions referred to in subsection (1) of section 106 :

Provided, however, that the Monetary Board may authorize one or more commercial banks operating in Ceylon to accept Government deposits, subject to such rules and regulations as the board may prescribe.

(2) The Monetary Board shall advise the Government regarding the distribution of official deposits between the Central Bank and commercial banks and the effects of such distribution on monetary conditions in Ceylon.

(3) The Bank shall not pay interest on deposits of the Government or of agencies or institutions referred to in subsection (1).

Loan guarantees and loan insurance.

108. (1) The Central Bank may act as agent, or for the account, of the Government or of any of the agencies or institutions referred to in subsection (1) of section 106, in guaranteeing, insuring, or participating in the loans, or any category thereof, of banking institutions operating in Ceylon.

(2) The Central Bank may give guarantees in favour of the Government or of any of the agencies or institutions referred to in subsection (1) of section 106.

Other institutions as agents of Central Bank.

109. In the performance of its functions as fiscal agent and banker of the Government, the Central Bank may engage the services of banks or other institutions in places, whether in Ceylon or abroad, where the Central Bank does not have offices or agencies adequately equipped to perform such functions.

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Remuneration for services.

110. The Central Bank shall not ordinarily collect any commissions, fees, or other charges for services which it renders to the Government or to any agencies or institutions referred to in subsection (1) of section 106 :

Provided, however, that the Monetary Board may, in special cases, conclude an agreement with the Minister of Finance providing for reimbursement for services the cost of which the bank is unable to bear.

Representation with foreign Governments, agencies, and international institutions.

111. The Central Bank may represent the Government of Ceylon in any dealings, negotiations, or transactions with the International Monetary Fund and shall carry such accounts as may result from Ceylon's membership in, or operations with, the fund. The Central Bank may also be authorized by the Government to represent it in dealings, negotiations, and transactions with foreign Governments, institutions, or agencies, or with the International Bank for Reconstruction and Development, or other international financial institutions and agencies.

Issue of Government securities.

112. The issue of securities of the Government or of any of the agencies or institutions referred to in subsection (1) of section 106 shall be made through the Central Bank, which shall act as agent, and for the account, of the Government or of such agency or institution :

Provided, however, that except in the case of Treasury Bills, for which the Central Bank may make direct tenders, the bank shall not subscribe to any issue of such securities or agree to purchase the unsubscribed portion of any such issue.

Management of the public debt.

113. The Central Bank shall, as agent of the Government, be responsible for the management of the public debt.

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Advice on Government credit operations.

114. No new loan shall be raised and no new issue of stock or debentures shall be made by the Government or by any agency or institution referred to in subsection (1) of section 106, whether in pursuance of authority conferred by any written law or otherwise, unless the advice of the Monetary Board has first been obtained upon the monetary implications of the proposed loan or issue.

Recommendations as to policy, &c., of Government agencies or institutions.

115. The Monetary Board may from time to time make recommendations to the Minister of Finance or to any agency or institution referred to in subsection (1) of section 106, as to the measures and policies which should be adopted by such agency or institution for the purposes of co-ordinating its policy with the policies of the board ; and where any such recommendations are made to the Minister, the Minister or any other authority or person may, if empowered so to do by any such other written law as may be applicable, make or issue such orders or directions or take such other action as may be necessary for the purpose of giving effect to such recommendations.

Monetary policy and fiscal policy.

116. (1) On or before the fifteenth day of May in each year the Monetary Board shall submit to the Minister of Finance for use in preparation of the budget speech a confidential report describing and analysing the monetary situation in Ceylon and the current monetary policy of the board, and examining the effect of the current fiscal policy of the Government upon the ability of the Central Bank to achieve the objects specified in section 5.

(2) In the event of any difference of opinion between the Minister of Finance and the Monetary Board as to whether the monetary policy of the board is directed to the greatest advantage of the people of Ceylon, the Minister of Finance and the board shall endeavour to reach agreement. If the Minister of Finance and the board are unable to reach agreement, the Minister of Finance may inform the board that the Government

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accepts responsibility for the adoption by the board of a policy in accordance with the opinion of the Government and direct that such a policy be adopted by the board. Where a direction is so given by the Minister of Finance, the board shall carry out that direction.

CHAPTER VII

General

Business which Central Bank may not transact.

117. Save as otherwise expressly provided in this Act, the Central Bank shall not—

(*a*) engage in trade or otherwise have a direct interest in any commercial, industrial, or other undertaking except such interest as it may in any way acquire in the course of the satisfaction of any of its claims :

Provided that all such interests shall be disposed of at the earliest possible opportunity ; or

(*b*) purchase the shares of any other banking institution or of any company, or grant loans or advances upon the security of any such shares ; or

(*c*) grant loans or advances on the mortgage of, or otherwise on the security of, immovable property or documents of title relating thereto.

Exemption from income tax, import duty, and stamp duty.

118. Notwithstanding anything in any other written law—

(*a*) the Monetary Board shall be exempt from the payment of income tax and profits tax upon the income or profits of the Central Bank ;

(*b*) all goods of any description imported or purchased out of bond by the board for the purposes of the Central Bank shall be exempt from customs duty ; and

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(c) the Monetary Board shall be exempt from the payment of stamp duty on any instrument executed by, or on behalf of, or in favour of the Monetary Board or the Central Bank in cases where, but for this exemption, the Monetary Board would be liable to pay the duty chargeable in respect of such instrument.

Acts of Monetary Board valid notwithstanding subsequent discovery of disqualification.

119. All acts done at any meeting of the Monetary Board shall, notwithstanding that it shall afterwards be discovered that there was some defect in the appointment of any member thereof or that any such member was disqualified, be as valid as if every such member had been duly appointed and duly qualified.

Officers and servants to be deemed public servants for purposes of Chapter IX of Penal Code.

120. Every member of the Monetary Board and every officer or servant of the Central Bank shall be deemed to be a public servant within the meaning and for the purposes of Chapter IX of the Penal Code.

Protection for banking institutions.

121. Notwithstanding anything in any written or other law, no banking institution shall be liable or subject to any action or proceedings in any court in respect of any loss or damage suffered or incurred or alleged to have been suffered or incurred by any person by reason of any act or thing done or omitted to be done by such institution for the purpose of carrying out or complying with any provision of this Act or any rule, regulation, order, direction or requirement made or given under this Act.

Offences and penalties.

122. (1) Any person who contravenes or fails to comply with any provisions of this Act or any rule, regulation, order, direction or requirement made or given thereunder shall be guilty of an offence under this Act.

(2) Every person who is guilty of an offence by reason of the contravention of or failure to comply with section 30, or section 32 (2), or section 45 or section 46

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or section 50 or any rule, regulation, order, direction, or requirement made or given under section 30, or section 79 (2) (*c*), or section 101 or section 102 shall be liable—

(*a*) on conviction after summary trial before a Magistrate to imprisonment of either description for a term not exceeding six months or to a fine not exceeding two thousand five hundred rupees, or to both such imprisonment and such fine ; or

(*b*) on conviction before a District Court to imprisonment of either description for a term not exceeding three years or to a fine not exceeding ten thousand rupees, or to both such imprisonment and such fine.

(3) Every person who is guilty of an offence for which no punishment is prescribed by subsection (2) shall be liable on conviction after summary trial before a Magistrate to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding one month, or to both such fine and such imprisonment.

(4) Any person who attempts to commit, or does any act preparatory to the commission of, any offence under this Act shall be deemed to be guilty of such offence.

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Offences by corporations.

123. Where the person convicted of an offence under this Act is a body corporate, every person who at the time of the commission of the offence was a director or an officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to avoid the commission of such offence.

Exclusion of application of Companies Ordinance.

124. Nothing in the Companies Ordinance shall apply to or in relation to the Central Bank or the Monetary Board.

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Provision for conflict with other written law.

125. In the event of any conflict or inconsistency between the provisions of this Act and the provisions of any other written law by or under which any banking institution is constituted or established, the provisions of this Act shall prevail.

Defence (Finance) Regulations, &c.

126. The provisions of this Act shall be in addition to, and not in substitution or derogation of, the provisions of the Defence (Finance) Regulations, Defence (Finance No. 2) Regulations, Defence (Finance No. 3) Regulations and Defence (Securities) Regulations.

Interpretation.

127. (1) In this Act, unless the context otherwise requires—

"appointed date" means the 28th day of August, 1950;

"banking institution" means—

(*a*) any commercial bank;

(*b*) any agency or institution acting on behalf of the Government (whether established by any written law or otherwise) which makes loans, advances or investments or accepts deposits of money from the public;

(*c*) the Co-operative Federal Bank of Ceylon, Limited; and

(*d*) any other person or body of persons declared by the Minister of Finance, by Order published in the Gazette, to be a banking institution for the purposes of this Act;

"commercial bank" means any person or body of persons, corporate or unincorporate, which carries on in Ceylon the business of accepting from the public, or of creating, demand deposits, but does not include the Central Bank;

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"current international transactions" means transactions which are not for the purpose of transferring capital, and includes, without limitation—

(i) all payments due in connexion with foreign trade, other current business, including services, and normal short-term banking and credit facilities ;

(ii) payments due as interest on loans and as net income from other investments ;

(iii) payments, of amounts not exceeding such maxima as may be fixed by the Monetary Board, for amortisation of loans or for depreciation of direct investments ; and

(iv) remittances, of amounts not exceeding such maxima as may be fixed by the Monetary Board, for family living expenses ;

"currency", "demand deposits" and "money supply" have the meanings assigned to those expressions by sections 48, 60 and 62 respectively.

(2) For the purposes of this Act, any question which may arise as to whether any agency or institution is an agency or institution acting on behalf of the Government shall be referred to the Prime Minister for decision ; and such decision shall be final.

CHAPTER VIII

Transitional Provisions

Validity of currency in circulation, &c.

128. (1) The Central Bank is hereby empowered to issue any currency notes or Ceylon coins printed or minted under the authority of the Board of Commissioners of Currency and remaining unissued on the appointed date.

(2) All currency notes and Ceylon coins issued or deemed to have been issued under the Currency Ordinance, No. 21 of 1941, * prior to the appointed date and

* Repealed by Act No. 58 of 1949.

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in circulation on that date (including any such notes or coins which have ceased to be legal tender and have not been surrendered to the Board of Commissioners of Currency), and all currency notes and coins issued by the Central Bank under subsection (1) shall be deemed for all purposes to be currency notes and coins issued by the Central Bank under this Act and to be liabilities of the Central Bank; and the provisions of this Act shall apply accordingly to and in relation to such currency notes and coins in like manner as they apply to and in relation to currency notes and coins issued under this Act.

Appointment of pensionable public officers to posts in Central Bank.

129. (1) Where any person in the service of the Government of Ceylon and holding a post declared to be pensionable under the Minutes on Pensions (hereinafter referred to as a "pensionable public officer") is appointed to be a temporary officer of the Central Bank, he shall be deemed to have been seconded to an office to which pension rights are not attached and accordingly section 24 of those Minutes shall apply to him.

(2) Where a pensionable public officer is appointed to be a permanent officer of the Central Bank on or before the appointed date, he shall be deemed, for the purposes of the Minutes on Pensions, to continue to hold a post declared to be pensionable under those Minutes so long as he is in the employ of the bank, and shall be eligible for the grant of a pension as though his service under the bank were service under the Government, and the Minister of Finance may grant such pension in accordance with those Minutes.

(3) Where a pensionable public officer, whether or not he is an officer to whom subsection (1) applies, is appointed to be a permanent officer of the Central Bank after the appointed date, the Minister of Finance may, by Notification published in the Gazette, declare that the post in the service of the bank to which such officer is appointed shall, while it is held by such officer, be deemed, for the purposes of the Minutes on Pensions, to be a pensionable post in the service of the Government; and upon the publication of any such Notification, the officer referred to therein shall be

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eligible for the grant of a pension as though his service under the bank were service under the Government, and the Minister of Finance may grant such pension in accordance with the Minutes on Pensions.

(4) Where a person in the employ of the Central Bank is eligible, under the preceding provisions of this section, for the grant of a pension in accordance with the Minutes on Pensions, he shall, notwithstanding anything in the Widows' and Orphans' Pension Fund Ordinance, be deemed, so long as he remains in such employ, to be a public officer within the meaning, and for the purposes of the application, of that Ordinance.

Contributions by Central Bank in respect of pensionable public officers appointed to posts in the bank.

130. (1) In respect of every such officer in the employ of the Central Bank as is eligible, under subsection (2) or subsection (3) of section 129, for the grant of a pension in accordance with the Minutes on Pensions and is deemed, under subsection (4) of that section, to be a public officer within the meaning, and for the purposes of the application, of the Widows' and Orphans' Pension Fund Ordinance, the bank shall contribute out of the funds of the bank to the Consolidated Fund, in respect of every complete month during which that officer is in the employ of the bank—

(*a*) such sum not exceeding twenty-two *per centum* of the highest monthly salary received by that officer in his substantive post in the service of the Government or the bank as the Minister of Finance may from time to time determine, and

(*b*) a sum equivalent to three *per centum* of the salary of that officer for that month.

(2) In subsection (1) "salary" means the emoluments of the pensionable appointment held by the officer exclusive of allowances other than personal allowances.

(3) The Central Bank shall pay the contributions under subsection (1) annually to the Treasury on or before such date as may be fixed by the Deputy Secretary to the Treasury.

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CHAPTER 423

EXCHANGE CONTROL

Act No. 24 of 1953.

AN ACT TO MAKE PROVISION CONFERRING POWERS, AND IMPOSING DUTIES AND RESTRICTIONS, IN RELATION TO GOLD, CURRENCY, PAYMENTS, SECURITIES, DEBTS, AND THE IMPORT, EXPORT, TRANSFER AND SETTLEMENT OF PROPERTY, TO AUTHORIZE THE CENTRAL BANK TO ADMINISTER THE PROVISIONS AFORESAID, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

[*15th August, 1953.*]

Short title.

1. This Act may be cited as the Exchange Control Act.

Administration of Act by Central Bank.

2. (1) The Central Bank of Ceylon shall, as agent of the Government, be responsible for carrying out the provisions of this Act, and it shall be the duty of the Monetary Board to cause those provisions to be carried out in accordance with such directions as may from time to time be issued in that behalf by the Minister.

(2) The Monetary Board shall establish for the purposes of this Act a Department of Exchange Control of the Central Bank to which the board shall have the power to appoint or assign such officers and servants as the board may consider necessary for the purpose of carrying out the provisions of this Act; every such officer or servant shall, for the purpose of the application of the provisions of the Monetary Law Act relating to officers and servants, be deemed to be employed for the performance of duties under that Act.

Exercise of powers, &c., under the Act.

3. Wherever by any provision of this Act any power, duty or function is authorized or required to be exercised or performed by the bank, such power, duty or function shall be exercised or performed, subject

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to the direction and control of the Governor of the bank, by the officer designated as the head of the Department of Exchange Control or on his behalf by any other officer designated as an assistant to him :

Provided, however, that any permission, which by any such provision is authorized to be granted by the bank, may be granted on behalf of the head of the department by an authorized dealer, if he is for the time being empowered, by directions issued by the head of the department, to grant such permission.

Any directions given by the head of the department under this section may specify the circumstances in which and the conditions and restrictions subject to which an authorized dealer may grant the permission to which the directions relate.

PART I

Gold And Foreign Currency

Authorized dealers in gold or foreign currency.

4. The Minister may authorize any commercial bank to act for the purposes of this Act as an authorized dealer in relation to gold or any foreign currency.

Dealings in gold and foreign currency.

5. (1) Except with the permission of the bank—

(*a*) no person, other than an authorized dealer, shall in Ceylon buy or borrow any gold or foreign currency from, or sell or lend any gold or foreign currency to, or exchange any foreign currency with, any person other than an authorized dealer, and

(*b*) no person resident in Ceylon, other than an authorized dealer, shall, outside Ceylon, buy or borrow any gold or foreign currency from, or sell or lend any gold or foreign currency to, any person other than an authorized dealer :

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Provided that the preceding provisions of this subsection shall not prohibit the sale and purchase at any post office in Ceylon, in accordance with such directions as may be given by the bank in regard thereto, of any foreign currency in the form of postal orders or money orders.

(2) Except with the previous general or special permission of the bank, no person, whether an authorized dealer or not, shall enter into any transaction which involves the conversion of Ceylon currency into foreign currency or foreign currency into Ceylon currency at rates of exchange other than the rates for the time being authorized by subsection (3) of section 76 of the Monetary Law Act.

Surrender of gold and of specified foreign currency.

6. (1) The foreign currency to which this section applies is such foreign currency (hereafter in this Act referred to as "specified foreign currency") as may be prescribed.

(2) Every person in or resident in Ceylon who is entitled to sell, or to procure the sale of, any gold or any specified foreign currency, and is not an authorized dealer, shall offer it, or cause it to be offered, for sale to an authorized dealer at a price determined by the Monetary Board unless the bank consents to his retention and use thereof or he disposes thereof to any other person with the permission of the bank.

(3) If a person who has obtained the consent of the bank to his retention and use of any gold or any specified foreign currency and has stated in an application for the consent that he requires it for a particular purpose, no longer requires that gold or currency for that purpose, subsection (2) shall thereupon apply to him in relation to that gold or currency as if the bank had revoked the consent.

(4) A person who acquires any gold or any specified foreign currency from an authorized dealer shall be treated for the purposes of this section as if the bank had consented to the retention and use by him of that

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gold or currency, and as if any statement made by him in an application for that gold or currency as to the purpose for which he requires it had been made by him in an application for the consent of the bank to his retention and use thereof.

(5) Where a person has become bound under this section to offer or cause to be offered any gold or any specified foreign currency for sale to an authorized dealer he shall not be deemed to comply with that obligation by any offer made or caused to be made by him, if the offer is an offer to sell at a price exceeding that authorized by the Monetary Board, or without payment of any usual and proper charges of the authorized dealer, or otherwise on any unusual terms.

(6) Where a person has become bound under this section to offer or cause to be offered any gold or any specified foreign currency for sale to an authorized dealer and has not complied with that obligation, the Secretary to the Treasury may direct that that gold or currency shall vest in the Deputy Secretary to the Treasury, and where the Secretary to the Treasury so directs, it shall vest in the Deputy Secretary to the Treasury free from any mortgage, pledge, or charge, and the Deputy Secretary to the Treasury shall deal with or dispose of it in such manner as the Minister may direct, but the Deputy Secretary to the Treasury or any officer authorized in that behalf by such Deputy Secretary shall pay to that person such sum as he would have received for that gold or currency if he had sold it to an authorized dealer in pursuance of an offer made under this section at the time when the vesting occurred. Any money required for any payment under this subsection is hereby charged upon the Consolidated Fund.

(7) In any proceedings in respect of a failure to comply with the provisions of this section, it shall be presumed, until the contrary is proved, that the gold or currency in question has not been offered for sale to an authorized dealer.

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PART II

PAYMENTS

Payments in Ceylon.

7. Except with the permission of the bank no person shall in Ceylon—

(*a*) make any payment to or for the credit of a person resident outside Ceylon, or

(*b*) make any payment to or for the credit of a person resident in Ceylon by order or on behalf of a person resident outside Ceylon, or

(*c*) place any sum to the credit of any person resident outside Ceylon:

Provided that where a person resident outside Ceylon has paid a sum in or towards the satisfaction of a debt due from him, paragraph (*c*) of this section shall not prohibit the acknowledgment or recording of the payment.

Payments outside Ceylon.

8. (1) Except with the permission of the bank, no person resident in Ceylon shall, subject to the provisions of this section, make any payment outside Ceylon to or for the credit of a person resident outside Ceylon.

(2) Nothing in this section shall prohibit the doing of anything otherwise lawful by any person with any foreign currency obtained by him in accordance with the provisions of Part I of this Act or retained by him with the consent of the bank.

Compensation deals.

9. (1) Except with the permission of the bank no person shall in Ceylon, and no person resident in Ceylon shall outside Ceylon, make any payment to or for the credit of a person resident in Ceylon as consideration for or in association with—

(*a*) the receipt by any person of a payment made outside Ceylon, or the acquisition by any person of property which is outside Ceylon, or

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(*b*) the transfer to any person, or the creation in favour of any person, of a right (whether present or future, and whether vested or contingent) to receive a payment outside Ceylon or to acquire property which is outside Ceylon.

(2) Nothing in this section shall prohibit the making of any payment in accordance with the terms of a permission or consent granted under this Act.

PART III

SECURITIES

Issue of securities.

10. (1) Except with the permission of the bank, no person shall in Ceylon issue any security or, whether in Ceylon or elsewhere, issue any security which is registered or to be registered in Ceylon, unless the following requirements are fulfilled:—

(*a*) neither the person to whom the security is to be issued nor the person, if any, for whom he is to be a nominee is resident outside Ceylon, and

(*b*) the prescribed evidence is produced to the person issuing the security as to the residence of the person to whom it is to be issued and that of the person, if any, for whom he is to be a nominee.

(2) The subscription of the memorandum of association of a company to be formed under the Companies Ordinance by a person resident outside Ceylon, or by a nominee for another person so resident, shall, unless he subscribes the memorandum with the permission of the bank, be invalid in so far as it would on registration of the memorandum have the effect of making him a member of the company, so, however, that this subsection shall not render invalid the incorporation of the company, and if by virtue of this subsection the number of the subscribers of the memorandum who on its registration become members

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of the company is less than the minimum required to subscribe the memorandum, the provisions of the said Ordinance relating to the carrying on of business of a company the number of whose members is reduced below the legal minimum shall apply to the company as if the number of its members had been so reduced.

Transfer of securities and coupons.

11. (1) No person shall, except with permission granted by the bank, transfer any security, either on his own behalf or on behalf of any other person, unless—

(*a*) the holder of the security and, if the holder is a nominee, the person for whom he is acting as nominee, are resident in Ceylon ; and

(*b*) the transferor has produced to the person to whom the security is to be transferred or his agent such evidence of the facts aforesaid as may be prescribed ;

and no person shall, except with such permission as aforesaid, acquire any security, either on his own behalf or on behalf of any other person, unless such evidence as aforesaid has been produced to him or to his agent.

(2) No person shall, except with permission granted by the bank—

(*a*) transfer any registered security, either on his own behalf or on behalf of any other person, to any person resident outside Ceylon or to any person acting as the nominee of any person so resident, or

(*b*) transfer any bearer security, either on his own behalf or on behalf of any other person, unless the bank is satisfied that the person to whom the security is to be transferred and, if that person is a nominee, the person for whom he is to act as nominee, are resident in Ceylon.

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(3) Except with the permission of the bank, no coupon shall be transferred—

(*a*) in Ceylon, if either the transferee or the person, if any, for whom he is a nominee is resident outside Ceylon;

(*b*) outside Ceylon, if either the transferor or the transferee, or the person, if any, for whom the transferor or the transferee is or is to be a nominee, is resident in Ceylon.

Issue of bearer certificates and coupons.

12. Except with the permission of the bank, no person shall, in Ceylon, and no person resident in Ceylon shall, outside Ceylon, issue any bearer certificate or coupon or so alter any document that it becomes a bearer certificate or coupon.

Substitution of securities and certificates outside Ceylon.

13. Except with the permission of the bank, no person in or resident in Ceylon shall do any act with intent to secure—

(*a*) that a security which is—

(i) registered in Ceylon, or

(ii) transferable by means of a bearer certificate in Ceylon,

becomes, or is replaced by, a security registered outside Ceylon or a security transferable by means of a bearer certificate outside Ceylon, or

(*b*) that, in substitution for or in addition to any such certificate of title to the first-mentioned security as is in, or is or has been lost or destroyed in, Ceylon, a certificate of title to any other security is issued outside Ceylon.

Payment of capital moneys outside Ceylon.

14. Except with the permission of the bank, no person resident in Ceylon shall do any act with intent to secure that capital moneys payable on a security registered in Ceylon are paid outside Ceylon, or that, where the certificate of title to a security is in Ceylon, capital moneys payable on the security are paid outside Ceylon without production of the certificate to the person making the payment.

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Duties of persons keeping registers.

15. Except with the permission of the bank, no person concerned with the keeping of any register in Ceylon shall—

(*a*) enter in the register the name of any person in relation to any security unless there has been produced to him the prescribed evidence that the entry does not form part of a transaction which involves the doing of anything prohibited by this Act, or

(*b*) enter in the register, in respect of any security, an address outside Ceylon, except for the purpose of any transaction for which the permission of the bank has been granted with the knowledge that it involves the entry of that address, or

(*c*) do any such act in relation to the register as recognizes or gives effect to any act appearing to him to have been done with the intent mentioned in section 13 or section 14, whether done by a person in or resident in Ceylon or not.

Additional provisions as to nominee holdings.

16. (1) Where the holder of a security is a nominee, then, except with the permission of the bank, neither he, if he is resident in Ceylon, nor any person resident in Ceylon through whose agency the exercise of all or any of the holder's rights in respect of the security is controlled, shall—

(*a*) do any act whereby he recognizes or gives effect to the substitution of another person as the person from whom he directly receives his instructions unless both the persons previously instructing him and the person substituted for that person were, immediately before the substitution, resident in Ceylon and not elsewhere, or

(*b*) do any act whereby he ceases to be a person bound to give effect to the instructions of another person in relation to the security, unless the person who theretofore instructed him is resident in Ceylon and not elsewhere.

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(2) Where the holder of a security is not a nominee and is resident in Ceylon, then, except with the permission of the bank, he shall not do any act whereby he becomes the nominee of another person in respect of the security, unless that other person is resident in Ceylon and not elsewhere.

(3) Where the holder of a security transferable by means of a bearer certificate is resident in Ceylon and is a nominee for a person resident outside Ceylon, then, except with the permission of the bank, he shall not deliver the certificate into the possession of any person, whether the delivery amounts to a transfer or not.

Special provisions as to dealings in prescribed securities.

17. (1) This section shall apply to prescribed securities on which any capital money, dividend or interest is payable in a specified foreign currency or as respects which the holder has an option to require payment of any capital money, dividend or interest thereon in a specified foreign currency.

(2) Except with the permission of the Minister, no person shall, in Ceylon, and no person resident in Ceylon shall, outside Ceylon, transfer, or do anything which affects his rights or powers in relation to any security to which this section applies.

(3) The bank may in writing direct any person resident in Ceylon by whom or to whose order a security to which this section applies is held in or outside Ceylon to render a return to the bank, in such manner and within such period as may be specified in the direction, giving such particulars with respect to that security as may be so specified.

(4) The Minister may direct any person resident in Ceylon by whom or to whose order a security to which this section applies is held in or outside Ceylon—

(*a*) to sell or procure the sale of the security, and thereafter to offer or cause to be offered the net foreign exchange proceeds of sale to the bank, directly or through an authorized dealer ; or

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(*b*) to transfer the security to the Deputy Secretary to the Treasury on behalf of the Government at a price which in the opinion of the Deputy Secretary to the Treasury is not less than the market value of the security on the date of the giving of the direction.

Any direction under this subsection may be given either generally, with respect to specified securities and the holders thereof by notice published in the Gazette, or specially to any holder by notice in writing.

Validation of certain transfers.

18. (1) The title of any person to a security for which he has given value on a transfer thereof, and the title of all persons claiming through or under him, shall, notwithstanding that the transfer, or any previous transfer, or the issue of the security, was by reason of the residence of any person concerned other than the first-mentioned person prohibited by the provisions of this Act relating to the transfer or issue of securities, be valid unless the first-mentioned person had notice of the facts by reason of which it was prohibited.

(2) Without prejudice to the provisions of subsection (1), the bank may issue a certificate declaring in relation to a security, that any such acts done before the issue of the certificate as purport to effect the issue or transfer of the security, being acts which were prohibited by this Act, are to be, and are always to have been, as valid as if they had been done with the permission of the bank, and the said acts shall have effect accordingly.

(3) Nothing in this section shall affect the liability of any person to prosecution for any offence against this Act.

Application of Part III to secondary securities.

19. (1) This Part of this Act shall, with any modification which may be prescribed in relation to any document mentioned in subsection (2), apply as if the document created, and were the certificate of title to, a security (hereafter in this Act referred to as a "secondary security").

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(2) The documents referred to in subsection (1) are any letter of allotment which may be renounced, any letter of rights, any warrant conferring an option to acquire a security, any deposit certificate in respect of securities, and such other documents conferring, or containing evidence of, rights as may be prescribed.

Interpretation of Part III.

20. (1) In this Part of this Act—

"registered" includes inscribed;

"registered in Ceylon" and "registered outside Ceylon" mean respectively, registered in a register in, and registered in a register outside, Ceylon;

"a register" includes any book, file or index in which securities are registered; and

"holder"—

(*a*) in relation to a security transferable by means of a bearer certificate or to a coupon, includes the person having physical custody of the certificate or coupon:

Provided that where the certificate or coupon is deposited with any person in a locked or sealed receptacle from which he is not entitled to remove it without the authority of some other person, that other person shall be deemed for the purposes of this provision to have the physical custody of the certificate or coupon; and

(*b*) in relation to a security which is registered in the name of a deceased person, or of any person who, by reason of insolvency, unsoundness of mind or any other disability, is incapable of transferring the security, means the executor

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of the last will or the administrator of the estate of the deceased, the assignee of the insolvent's estate, or any other person entitled to transfer the security.

(2) For the purposes of any provision of this Part of this Act prohibiting the transfer of securities, a person shall be deemed to transfer a security if he executes any instrument of transfer thereof, whether effective or not, and shall be deemed to transfer it at the place where he executes the instrument.

(3) The holder of a security or coupon shall be deemed for the purposes of this Part of this Act to be a nominee in respect of that security or coupon if he is not entitled to exercise any right relating to that security or coupon except in accordance with instructions given by some other person, and references in this Part of this Act to the person for whom the holder of a security or coupon is a nominee shall be construed as references to the person who is entitled to give instructions, either directly or through the agency of one or more persons, as to the exercise of any right relating to the security or coupon and is not in so doing himself under a duty to comply with instructions given by some other person :

Provided that—

(*a*) a person shall not, by reason only that he has a controlling interest in a body corporate, be deemed for the purposes of this subsection to be entitled to give instructions to that body as to the exercise of any right relating to any security or coupon of which that body is the holder, and

(*b*) a person shall not be deemed to hold a security or coupon as a nominee by reason only that he holds it as trustee if he is entitled to transfer the security or coupon without permission from any other person.

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PART IV

IMPORT AND EXPORT

Restriction on import.

21. (1) No person shall, except with the permission of the bank, import into Ceylon—

(*a*) any notes of a class which are or have at any time been legal tender in Ceylon ; or

(*b*) any such other notes as may be prescribed being notes issued by a bank or notes of a class which are or have at any time been legal tender in any territory ; or

(*c*) any gold.

(2) The bringing or sending into any port or other place in Ceylon of any gold intended to be taken out of Ceylon without being removed from the vessel or aircraft in which that gold is being carried shall, for the purpose of this section, be deemed to be the importation of that gold.

(3) In this section, " note " includes part of a note.

Restriction on export.

22. (1) No person shall, except with the permission of the bank, export from Ceylon—

(*a*) any Ceylon currency ;

(*b*) any foreign currency ;

(*c*) any Treasury Bills ;

(*d*) any savings certificate expressed in Ceylon or any foreign currency ;

(*e*) any gold ;

(*f*) any of the following documents (including any such document which has been cancelled):—

(i) any certificate of title to a security and any coupon ;

(ii) any policy of assurance ;

(iii) any document certifying the destruction, loss or cancellation of any of the documents aforesaid ; or

(*g*) any such article exported on the person of a traveller or in a traveller's baggage as may be prescribed.

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(2) In subsection (1)—

"note" includes part of a note;

"security" includes a secondary security; and

"coupon" shall be construed in accordance with the meaning of "security".

(3) Where the Minister is of opinion that it is necessary so to do for the purpose of ensuring that payments for goods exported from Ceylon are made only to persons resident in Ceylon and in such currencies as are suitable in the national interest, he may by Order provide that no goods shall, except with the permission of the bank, be exported from Ceylon to a destination in any territory specified in the Order.

(4) The bank shall not refuse permission for the exportation of the goods of any class or description from Ceylon to a destination in any territory specified in an Order under subsection (3) if it is proved—

(*a*) that payment for the goods has been made to a person resident in Ceylon by such means and in such manner as may be prescribed in relation to goods of that class or description exported to such a destination, or is to be so made not later than six months after the date of exportation, and

(*b*) that the amount of the payment that has been made or is to be made represents such a return for the goods as is in all the circumstances satisfactory in the national interest:

Provided that the bank may direct that, in cases to which the direction applies, paragraph (*a*) of this subsection shall have effect as if for the reference to six months there were substituted a reference to such longer or shorter period as may be specified in the direction, or as if the words "or is to be so made not later than six months after the date of exportation" were omitted.

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(5) Where, on the authority of permission granted under subsection (3), a person is about to export goods from Ceylon and the bank has reason to suspect that any declaration made by that person, in his application for the permission, as to the ultimate destination of the goods is untrue in any material particular, the Principal Collector of Customs shall, on the advice of the bank, detain the goods until the bank is satisfied as to the truth of that declaration and, if the bank is not so satisfied, the goods shall be forfeited and shall be dealt with or disposed of in such manner as the Minister may direct.

(6) Where, at any time after the grant of permission under subsection (3), the bank has reason to believe that the amount of the payment that has been made or is to be made for the goods to which the permission relates is not in accord with paragraph (*b*) of subsection (4), the bank may direct the person holding the shipping documents relating to the goods to retain possession thereof until such time as the person to whom the permission has been granted has made arrangements to receive as payment for the goods an amount which, in the opinion of the bank, accords with the aforesaid paragraph (*b*).

(7) Subsection (4) shall not apply in relation to any goods that are to be exported from Ceylon for any purpose other than that of sale.

(8) Any reference in this section to the destination of any goods includes a reference to the ultimate destination thereof.

(9) The preceding provisions of this section shall be in addition to and not in substitution or derogation of the provisions of any other written law prohibiting, restricting or regulating the exportation of goods from Ceylon.

Application of Customs Ordinance and Post Office Ordinance.

23. (1) The Customs Ordinance shall apply in relation to anything the importation or exportation of which into or from Ceylon is restricted by any of the provisions of this Part of this Act in like manner as that Ordinance applies in relation to articles the

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importation or exportation of which into or from Ceylon is restricted by any enactment ; and section 24 of the Post Office Ordinance shall, in relation to any such things as aforesaid, have effect as though, for the words " received from beyond seas " and the word " imported " occurring in that section, there were substituted respectively the words " addressed to or received from any place outside Ceylon " and the words " imported or exported ".

(2) Where anything in relation to which the Customs Ordinance applies by virtue of subsection (1) is forfeited under that Ordinance, such thing shall, notwithstanding any contrary provision in that Ordinance, be dealt with or disposed of in such manner as the Minister may direct.

(3) The importer or exporter of any such forfeited thing as is referred to in subsection (2) may, in accordance with such directions as may be given by the Minister either generally or specially in the circumstances of any particular case, be paid in Ceylon currency an amount not exceeding the value in Ceylon currency of that thing.

(4) Payment to any importer or exporter under subsection (3) shall be made by the Deputy Secretary to the Treasury or by any officer authorized in that behalf by such Deputy Secretary ; and any money required for any such payment is hereby charged upon the Consolidated Fund.

(5) In this section, " importer " and " exporter ", with reference to any postal article, mean respectively the addressee and the sender of that article.

PART V

Miscellaneous

Duty to collect certain debts.

24. (1) Except with the permission of the bank no person who has a right (whether present or future and whether vested or contingent) to receive any foreign currency, or to receive from a person resident outside

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Ceylon a payment in rupees, shall do, or refrain from doing, any act with intent to secure—

(*a*) that the receipt by him of the whole or part of that currency or, as the case may be, of that payment in rupees is delayed, or

(*b*) that the currency or payment ceases, in whole or in part, to be receivable by him :

Provided that nothing in this subsection shall, unless the bank otherwise directs, impose on any person any obligation, in relation to any debt arising in the carrying on of any trade or business, to procure the payment thereof at an earlier time than is customary in the course of that trade or business.

(2) Where a person has contravened the provisions of subsection (1) in relation to any foreign currency or any payment in rupees—

(*a*) the bank may give to him or to any other person in or resident in Ceylon who appears to the bank to be in a position to give effect thereto such directions as appear to the bank to be expedient for the purpose of obtaining or expediting the receipt of the currency or payment in question, and,

(*b*) without prejudice to the preceding provisions of this subsection, the Secretary to the Treasury may direct that there shall be assigned to the Deputy Secretary to the Treasury the right to receive the currency or payment or enforce any security for the receipt thereof.

Duty not to delay sale or importation of goods.

25. (1) Where any statement or declaration has been made under any provision of this Act that any goods are to be sold outside Ceylon, no person who is entitled to sell or procure the sale of those goods shall, except with the permission of the bank, do or refrain from doing any act with intent to secure—

(*a*) that such sale is delayed to an extent which is unreasonable having regard to the ordinary course of trade, or

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(*b*) that, on such sale, any payment made for the goods is not made in the manner indicated by the statement or declaration.

(2) Where any permission or consent has been granted under this Act subject to a condition providing that, or on the faith of an application stating an intention that, any goods should be imported into Ceylon, no person who is entitled to procure the importation of those goods shall do, or refrain from doing, any act with intent to secure that the importation thereof is delayed to an extent which is unreasonable having regard to the ordinary course of trade.

(3) Where in any such case as is specified in subsection (1) or subsection (2)—

(*a*) the goods have not been sold or imported as indicated by the statement, declaration, condition or application within the time thereby indicated or, if no time is thereby indicated, a reasonable time or (in either case) within such further time as may be allowed by the bank, or

(*b*) it appears to the bank that the goods cannot be sold or imported as indicated by the statement, declaration, condition or application,

the Secretary to the Treasury may give to any person who appears to him to be in a position to give effect thereto such directions as appear to him to be expedient as to the manner in which the goods are to be dealt with.

(4) Without prejudice to the provisions of subsection (3), the Secretary to the Treasury may in any case to which those provisions apply give directions that the goods shall be assigned to the Deputy Secretary to the Treasury.

Property obtained by infringement of Act.

26. (1) Where a person—

(*a*) has made any payment which is prohibited by this Act, or

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(*b*) being bound under this Act to offer or cause to be offered any specified foreign currency to an authorized dealer, has otherwise disposed of that currency,

the Secretary to the Treasury may direct him to sell or procure the sale of any property which he is entitled to sell or of which he is entitled to procure the sale, being property which represents, whether directly or indirectly, that payment or that specified foreign currency, as the case may be, and may by the same or a subsequent direction specify the manner in which, the persons to whom, and the terms on which the property is to be sold.

(2) Without prejudice to the provisions of subsection (1), the Secretary to the Treasury may in any case to which those provisions apply give directions that the property shall be assigned to the Deputy Secretary to the Treasury.

Provisions supplemental to preceding provisions of Part V.

27. (1) Where, under the preceding provisions of this Part of this Act, the Secretary to the Treasury has power to give directions that any right to receive any currency or any payment in rupees or to enforce any security for the receipt thereof, any goods, or any other property shall be assigned to the Deputy Secretary to the Treasury, the Secretary to the Treasury shall also have power to direct that the right, goods, or property shall vest in the Deputy Secretary to the Treasury, and in any such case it or they shall vest in the Deputy Secretary to the Treasury free from any mortgage, pledge, or charge, and the Deputy Secretary to the Treasury shall deal with or dispose of it or them in such manner as the Minister may direct.

(2) Where, in pursuance of directions under the preceding provisions of this Part of this Act, any right, goods, or property is or are assigned to the Deputy Secretary to the Treasury, or any right, goods, or property vests or vest in the Deputy Secretary to the

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Treasury in pursuance of directions given under subsection (1), the Deputy Secretary to the Treasury or any officer authorized in that behalf by such Deputy Secretary shall pay the net sum recovered by the Deputy Secretary to the Treasury in respect of the right, goods, or property to the person making the assignment or, in the case of any right, goods, or property vested in the Deputy Secretary to the Treasury under subsection (1), to the person, who, but for the directions, would be entitled to the right, goods or property.

Transfer of policies of assurance.

28. (1) Except with the permission of the bank, no person resident in Ceylon shall transfer to a person who is resident outside Ceylon or is a nominee for a person resident outside Ceylon, any right to the sums assured by any policy of assurance, so, however, that where the person liable for the sums so assured makes any payment thereof to a person resident in Ceylon and not elsewhere, or makes with the permission of the bank, any payment thereof to any other person—

(*a*) he shall not be bound to inquire as to the residence of any person other than the person to whom, and (if it is not the same person) the person to whose order, the payment is made ; and

(*b*) the payment shall, to the extent of the sums paid, discharge him from his liability under the policy, notwithstanding that the payment is made to or to the order of a person who was not entitled thereto otherwise than by virtue of a transfer prohibited by this subsection.

(2) Subsections (2) and (3) of section 18 shall apply in relation to any transfer prohibited by this section as they apply in relation to a transfer prohibited by this Act of a security.

(3) In this section, "nominee", in relation to any policy of assurance, has the same meaning as is assigned to it by subsection (3) of section 20 in relation to a security.

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Settlements.

29. (1) Except with the permission of the bank, no person resident in Ceylon shall—

(*a*) settle, otherwise than by will, any property upon any trust under which an interest in that property is conferred on a person who, at the time of the settlement, is resident outside Ceylon, or

(*b*) exercise, otherwise than by will, any power of appointment (whether created by will or otherwise) in respect of any property in favour of a person who, at the time of the exercise of such power, is resident outside Ceylon.

(2) A settlement or an exercise of a power of appointment shall not be invalid by reason that it is prohibited by this section, except so far as it purports to confer an interest in any property on any person who, at the time of the settlement or the exercise of the power of appointment, is resident outside Ceylon.

(3) Subsections (2) and (3) of section 18 shall apply in relation to a settlement or the exercise of a power of appointment prohibited by this section as they apply in relation to a transfer prohibited by this Act of a security.

(4) For the purposes of this section—

(*a*) any reference to settling property includes a reference to the making of any disposition, covenant, agreement or arrangement whereby the property becomes subject to a trust, or (in the case of a resettlement) to a different trust ;

(*b*) a person shall be deemed to have an interest in property if he has any beneficial interest therein, whether present or future and whether vested or contingent, or falls within a limited class of persons in whose favour a discretion or power in respect of the property is exercisable ; and

(*c*) the expression " will " includes any testamentary disposition.

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Bodies corporate.

30. (1) Except with the permission of the bank no person resident in Ceylon shall do any act whereby a body corporate which is by any means controlled (whether directly or indirectly) by persons resident in Ceylon ceases to be controlled by persons resident in Ceylon :

Provided that the preceding provisions of this subsection shall not prohibit any person from selling any securities, subject to compliance with the requirements of Part III of this Act.

(2) Except with the permission of the bank, no person resident in Ceylon shall lend any money, Treasury Bills or securities to any body corporate resident in Ceylon which is by any means controlled (whether directly or indirectly) by persons resident outside Ceylon :

Provided that the preceding provisions of this subsection shall not apply where the lender after making such inquiries as are reasonable in the circumstances of the case does not know and has no reason to suspect that the body corporate is controlled as aforesaid.

(3) For the purposes of this section, persons resident in Ceylon or outside Ceylon shall be deemed to control a body corporate notwithstanding that other persons are associated with them in the control thereof if they can together override those other persons.

(4) In this section the expression "security" includes a secondary security.

PART VI

SUPPLEMENTAL

Blocked accounts.

31. (1) Where under any provision contained in Part II of this Act, the permission of the bank is required for the making of a payment or the placing of any sum to the credit of any person resident outside Ceylon, the bank may direct that the sum payable or to be credited shall be paid or credited to a blocked account only.

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(2) Where the bank directs that a payment shall be made to a blocked account only, then, subject to the provisions of subsection (3)—

(*a*) the manner in which the payment may be made shall be either—

(i) to the banker, with a direction that the payment shall be credited to a blocked account of the person to whose credit the payment is made, which direction may, in the case of a payment by means of a cheque or warrant, be made by marking the cheque or warrant with the words " blocked account of " (naming that person) or words to the same effect, or

(ii) by a crossed cheque or warrant drawn in favour of that person, marked with the words " payable only to blocked account of payee " or words to the same effect ; and

(*b*) the sum collected shall be credited by the banker to a blocked account of that person.

(3) Where a direction is given by the bank that a sum shall be paid or credited to a blocked account only, then, notwithstanding that direction, that sum may, with the consent of the person to whom it is to be paid or credited, and subject to the requirements of Part III of this Act, be invested instead in the purchase for that person of any such investment as may be prescribed for the purposes of paragraph (*a*) of the proviso to subsection (4).

(4) Any sum standing to the credit of a blocked account shall not be dealt with except with permission of the bank :

Provided that, subject to compliance with the requirements of Part III of this Act—

(*a*) the whole or any part of any such sum may, at the request of the person in whose name such account stands, be invested through the banker in such investments as may be prescribed, and

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(*b*) nothing in this subsection shall be construed as restricting the manner in which the investments acquired may be dealt with.

(5) Where a person in whose name a blocked account is standing is declared an insolvent under the law of Ceylon or dies, the banker may, notwithstanding anything in subsection (4), transfer the account to the name of the assignee of the insolvent's estate or the executor of the last will, or the administrator of the estate, of the deceased, but, save as aforesaid, no change shall, except with the permission of the bank, be made in the name in which the account stands ; and where any such change is made (whether or not the permission of the bank is necessary therefor) the account shall remain a blocked account notwithstanding the change, and the provisions of this section shall apply accordingly.

(6) Where—

(*a*) a sum is due from any person to any other person but the bank directs that it shall be paid or credited to a blocked account only, and

(*b*) the person to whom the sum is due nominates such an account to the person from whom the sum is due,

the last-mentioned person shall be under a duty to the person to whom the sum is due to cause the sum to be paid or credited to that blocked account, and the crediting of any sum to a blocked account in pursuance of a direction of the bank shall, to the extent of the sum credited, be a good discharge to the person from whom the sum is due :

Provided that, in the case of a sum due under a contract, the preceding provisions of this subsection shall not apply in so far as the application of those provisions is inconsistent with the intention of the parties to that contract.

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(7) In this section—

"blocked account" means an account opened as a blocked account at an office or branch in Ceylon in favour of any person by a banker authorized by the bank to open blocked accounts, and

"banker", in relation to any person, means a banker who opens a blocked account in favour of that person.

Branches.

32. (1) The Minister may by Order published in the Gazette provide that, for such of the purposes of this Act as may be specified in the Order—

(*a*) any transaction with or by a branch of any business, whether carried on by a body corporate or otherwise, shall be treated in all respects as if the branch were a body corporate resident where the branch is situated, and

(*b*) the making of any book entry or other statement recording a debit against a branch of any business in favour of any other branch of that business, shall be treated as a payment to that other branch, and

(*c*) any property held by or on behalf of any person carrying on any business shall be deemed to be held by such of the branches of that business as may be determined in accordance with the Order ;

and any such Order which makes, for any of the purposes of Part III of this Act, such provision as is mentioned in paragraph (*c*) of this subsection may contain provisions declaring the circumstances in which a branch is to be treated as nominee for any other branch.

(2) Any reference in subsection (1) to a branch of a business shall be deemed to include a reference to the head office of that business.

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(3) Subsections (1) and (2) shall apply in relation to any body of persons (whether corporate or unincorporate) carrying on any activity, whether for the purpose of profit or not, as they apply in relation to a business.

Contracts.

33. (1) It shall be an implied condition in any contract that, where, by virtue of this Act, the permission or consent of the bank is at the time of the contract required for the performance of any term thereof, that term shall not be performed except in so far as the permission or consent is given or is not required :

Provided that the preceding provisions of this subsection shall not apply to that term in so far as the application of those provisions to that term is inconsistent with the intention of the parties to that contract, whether by reason of their having contemplated the performance of that term in despite of the provisions of this Act or for any other reason.

(2) Notwithstanding anything in the Bills of Exchange Ordinance, neither the provisions of this Act nor any condition, whether express or to be implied having regard to those provisions, that any payment shall not be made without the permission of the bank under this Act, shall be deemed to prevent any instrument being a bill of exchange or promissory note.

Obligations under other written laws.

34. Where any provision of any other written law imposes an obligation in respect of the doing of any act and the permission or consent of the bank is, by virtue of this Act, required for the discharge of the obligation, it shall be an implied condition of the obligation that it shall not be discharged except in so far as the permission or consent is given or is not required.

Legal proceedings, &c.

35. (1) The provisions of Part II of this Act shall apply to sums required to be paid by any judgment or order of any court or by any award as they apply in relation to other sums, and it shall be implied in any judgment or order of any court in Ceylon, and in any

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award given under the law of Ceylon, that any sum required to be paid by the judgment, order or award (whether as a debt, as damages or otherwise) to which those provisions apply shall not be paid except with the permission of the bank.

(2) Nothing in this Act shall be construed as preventing the payment by any person of any sum into any court in Ceylon, but the provisions of Part II of this Act shall apply to the payment of any sum out of court, whether under an order of the court or otherwise, to or for the credit of any person resident outside Ceylon.

(3) In any insolvency proceedings, winding up of a company, or administration of the estate of a deceased person, carried on under the law of Ceylon, a claim for a sum not payable without the permission of the bank shall, notwithstanding that the permission has not been given or has been revoked, be admitted to proof as if the permission had been given and had not been revoked :

Provided that nothing in the preceding provisions of this subsection shall be construed as affecting the application of the provisions of Part II of this Act to payments by the assignee of the insolvent's estate, or by the liquidator, or by the executor of the last will, or administrator of the estate, of the deceased, or by any other person in such insolvency proceedings, or winding up, or administration.

(4) The provisions of this Act restricting the making of settlements shall not apply to any deed of arrangement made for the benefit of creditors generally, and the provisions of subsection (3) shall apply in relation to proceedings under any deed of arrangement as they apply in relation to insolvency proceedings.

(5) Where the permission of the bank is required under this Act for the payment of a debt the amount of which is sufficient under section 18 of the Insolvency Ordinance, to enable the creditor to petition for the sequestration of the estate of the debtor if the debtor

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commits an act of insolvency, the debt may, notwithstanding the aforesaid requirement, be allowed to be a good petitioning creditor's debt, if and to the extent that the debt can be satisfied either by a payment into court or by a payment to a blocked account.

Persons leaving Ceylon.

36. Where a person resident in Ceylon leaves Ceylon, the bank may, before, at or after the time he leaves Ceylon, direct that, for such period as may be specified in the direction, payments by him or on his behalf and to him or to his credit and transactions in or in relation to Treasury Bills, securities or secondary securities in which he is in any way concerned shall, whether or not he continues to be resident in Ceylon, be subject to such restrictions as may be specified in the direction.

Determination of residence.

37. (1) Where any question arises as to the territory in which a person is or is not resident, the territory in which such person shall, for the purposes of this Act, be treated as resident or not resident, as the case may be, shall be determined in accordance with such general or special directions as may be given in that behalf by the Minister.

(2) For the purposes of this Act, the executor of the last will or the administrator of the estate of a deceased person shall, unless the Minister otherwise directs, be treated in respect of any matters in which such executor or administrator is concerned solely in his capacity as such, as resident—

(*a*) if directions given under subsection (1) apply in the case of such deceased person, in the territory in which he is required by such directions to be treated as having been resident ; or

(*b*) in any other case, in the territory where at the time of his death the deceased person was resident.

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38. The bank may give—

Directions to bankers, authorized dealers, &c.

(*a*) to bankers and to persons who are concerned with the keeping of any register in Ceylon or are entrusted with the payment of capital moneys, dividends or interest in Ceylon, directions as respects the exercise of any functions exercisable by them by virtue of, or by virtue of anything done under, any provision of this Act, and

(*b*) to authorized dealers—

(i) such directions as aforesaid, or

(ii) directions as to the terms on which they are to accept gold or foreign currency, or

(iii) directions requiring them to offer their gold or specified foreign currency for sale to the Central Bank on such terms as may be set out in the directions.

39. (1) Without prejudice to any other provisions of this Act, the bank may give to any person in or resident in Ceylon directions requiring him, within such time and in such manner as may be specified in the directions, to furnish to the bank, or to any person designated in the directions as a person authorized to require it, any information in his possession or control which the bank or the person so authorized, as the case may be, may require for the purpose of securing compliance with or detecting evasion of this Act.

Furnishing of information and production of documents.

(2) A person required by any directions given under subsection (1) to furnish information shall also produce such books, accounts or other documents in his possession or control as may be required, for the purpose referred to in subsection (1), by the bank or by the person authorized to require the information, as the case may be.

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(3) Nothing in the preceding provisions of this section shall be taken to require any person who has acted as counsel or proctor for any person to disclose any privileged communication made to him in that capacity.

(4) Where a person is convicted for failing to give information or produce any books, accounts or other documents when required so to do under this section, the court may make an order requiring the offender, within such period as may be specified in the order, to comply with the requirements to give the information or produce the books, accounts or other documents.

Search of premises.

40. (1) If a Magistrate is satisfied by information given on oath or affirmation, by a person authorized by the Minister to act for the purposes of this section, either—

(*a*) that there is reasonable ground for suspecting that an offence against this Act has been or is being committed and that evidence of the commission of the offence is to be found at any premises specified in the information, or in any vehicle, vessel or aircraft so specified, or

(*b*) that any books, accounts or other documents which ought to have been produced under section 39 and have not been produced are to be found at any such premises or in any such vehicle, vessel or aircraft,

he may grant a search warrant authorizing any police officer not below the rank of Sergeant, together with any other persons named in the warrant and any other police officers, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, vessel or aircraft so specified may be, at any time within one month from the date of the warrant, and to search the premises or, as the case may be, the vehicle, vessel or aircraft.

(2) A person authorized by a warrant granted under subsection (1) to search any premises or any vehicle, vessel or aircraft, may search every person who is found in, or whom he has reasonable ground to believe to

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have recently left or to be about to enter, those premises or that vehicle, vessel or aircraft, as the case may be, and may seize any article which is found in the premises or in the vehicle, vessel or aircraft and which he has reasonable ground for believing to be evidence of the commission of any offence against this Act, or any books, accounts or other documents which he has reasonable grounds for believing ought to have been produced under section 39 :

Provided that no female shall, in pursuance of any warrant issued under this section, be searched except by a female.

(3) Where, by virtue of this section, a person has any power to enter any premises, he may use such force as is reasonably necessary for the purpose of exercising that power.

(4) No person shall obstruct any other person in the exercise of any powers conferred on that other person by virtue of the preceding provisions of this section.

Retention of seized articles.

41. (1) Any article seized by any authority under or by virtue of this Act which the authority has reasonable ground for believing to be evidence of the commission of an offence against this Act may be retained for a period of three months or, if within that period there are commenced legal proceedings in respect of such an offence in which the article is, or can properly be, adduced in evidence, until the final determination of those proceedings.

(2) The powers conferred by this section in relation to any article shall be in addition to, and not in derogation of, any powers otherwise exercisable in relation thereto.

Destruction, &c., of documents, and false statements.

42. No person in or resident in Ceylon shall—

(*a*) with intent to evade the provisions of this Act, destroy, mutilate, deface, secrete or remove any books, accounts or other documents, or

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(*b*) in furnishing any information for any of the purposes of this Act make any statement which he knows to be false in a material particular, or recklessly make any statement which is false in a material particular.

Application to Crown.

43. This Act shall bind the Crown and shall apply to transactions by a Government department or any person acting on behalf of the Crown.

Exemptions.

44. Any provision of this Act imposing any obligation or prohibition shall have effect subject to such exemptions as may be granted by order of the Minister, and any such exemption may be either absolute or conditional.

Decisions of bank.

45. Every decision of the bank to grant or refuse any permission under this Act, or to revoke any permission which has been so granted, or to rescind, add to or vary any conditions or to extend or reduce any time-limit to which the permission granted is subject, shall be communicated in writing by the bank to the person by whom application for the permission was made or, as the case may be, to whom the permission was granted.

Appeals.

46. A person in regard to whom the bank makes a decision under this Act may, if he is dissatisfied with that decision, make a written appeal against the decision to the Minister within ten days after that decision is communicated to him.

Finality of decisions.

47. A decision of the bank against which an appeal is not made in accordance with the provisions of section 46, and a decision of the Minister on an appeal made in accordance with those provisions, shall be final and conclusive and shall not be subject to review or be called in question in any court.

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Provisions relating to permission, consent or authority.

48. Any permission, consent or authority granted under this Act may be—

(*a*) general or special,

(*b*) absolute or conditional,

(*c*) limited so as to expire on a specified date, unless renewed, and

(*d*) varied or revoked.

Burden of proof of permission.

49. In any prosecution of a person for an offence against this Act, the burden of proving that he had obtained the permission or consent of the bank for doing the act or making the omission which constitutes the offence shall be on him.

Indemnity for acts done in good faith.

50. No person shall be liable in any suit or other legal proceeding for any act done, or purporting to be done, in good faith in pursuance of the powers conferred by or under this Act, or for the purpose of carrying out the provisions of this Act.

Offences.

51. (1) Any person in or resident in Ceylon who contravenes any provision of this Act or fails to comply with any direction given or condition or requirement imposed under this Act shall be guilty of an offence, notwithstanding that the offence may, by virtue of Part IV of this Act, be also punishable under the provisions of the Customs Ordinance.

(2) Any person who attempts to commit an offence against this Act shall be guilty of an offence.

(3) Where an offence against this Act is committed by a body corporate, any person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

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(4) Any person who commits an offence against this Act shall—

(*a*) on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding six months or to a fine, or to both such imprisonment and fine, or

(*b*) on conviction before a District Court, be liable to imprisonment of either description for a term not exceeding two years or to a fine, or to both such imprisonment and fine ;

and where the offence is concerned with any gold, currency, security, goods or other property, the court may, if it thinks fit so to do, order the gold, currency, security, goods, or property to be forfeited ; and any gold, currency, security, goods or property forfeited under this subsection shall be dealt with or disposed of in such manner as the Minister may direct.

(5) Except in the case of a body corporate, the maximum fine which may be imposed for an offence against this Act shall be fifteen thousand rupees so, however, that where the offence is concerned with any gold, currency, security, payment, goods or other property, and does not consist only of a failure to give information or produce books, accounts or other documents with respect thereto when required so to do under section 39, a larger fine may be imposed not exceeding three times the amount or value of the gold, currency, security, payment, goods or property.

(6) A Magistrate before whom a prosecution is instituted against any person for an offence against this Act may, notwithstanding anything in the Criminal Procedure Code, decide whether he will try that person summarily or take non-summary proceedings in respect of that offence :

Provided that the preceding provisions of this subsection shall not affect or prejudice any right or power of the Attorney-General under the aforesaid Code.

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Compounding of offences.

52. (1) Where the amount or value of any gold, currency, security, payment, goods or other property with which any offence against this Act is concerned does not exceed ten thousand rupees, the Secretary to the Treasury may compound that offence by accepting from the offender a sum of money determined by the Secretary to the Treasury and not exceeding the amount or value of such gold, currency, security, payment, goods or property.

(2) The Secretary to the Treasury shall credit to the Consolidated Fund all sums of money accepted under subsection (1).

Regulations, forms, &c.

53. (1) The Minister may make such regulations as may be necessary for carrying out the principles and provisions of this Act.

(2) No regulation made under subsection (1) shall have effect unless it is approved by the Senate and the House of Representatives and is published in the Gazette.

(3) All applications, returns and other documents made or furnished under this Act shall be in such form as the bank may from time to time specify or provide for the purpose.

Interpretation.

54. (1) In this Act, unless the context otherwise requires—

"authorized dealer" means, in relation to gold or any foreign currency, a commercial bank for the time being authorized under section 4 to act for the purposes of this Act as an authorized dealer in relation to gold or that foreign currency ;

"bank" or "Central Bank" means the Central Bank of Ceylon established by the Monetary Law Act ;

"bearer certificate" means a certificate of title to securities by the delivery of which (with or without endorsement) the title to the securities is transferable ;

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"blocked account" has the meaning assigned to it by section 31 (7) ;

"certificate of title to securities" means any document of title whereby a person recognizes the title of any other person to securities issued or to be issued by the first-mentioned person, and in the case of any such document with coupons (whether attached or on separate coupon sheets) includes any coupons which have not been detached ;

"Ceylon currency" means any currency which is or has at any time been legal tender in Ceylon ;

"coupon" means a coupon representing dividends or interest on a security ;

"currency" means coins and currency notes, and includes bank notes, postal orders, money orders, cheques, drafts, travellers' cheques, letters of credit, bills of exchange and promissory notes ;

"foreign currency" means any currency other than Ceylon currency and includes any drafts, travellers' cheques, letters of credit, bills of exchange and any other documents expressed or drawn in terms of Ceylon currency but payable in any other currency ; and any reference to foreign currency includes a reference to any right to receive foreign currency in respect of any credit or balance at a bank ;

"gold" means gold coin or gold bullion ;

"Minister" means the Minister of Finance ;

"Monetary Board" means the Monetary Board of the Central Bank ;

"policy of assurance" means any policy securing the payment of a capital sum or annuity on the occurrence of a specified event which is certain to happen and includes—

(*a*) any policy by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, and

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(*b*) any policy securing the payment of an immediate annuity ;

and the reference in this definition to the occurrence of a specified event which is certain to happen shall include the occurrence, which is certain to happen, of one of specified events none of which by itself is certain to happen ;

" prescribed " means prescribed by the Minister by Order published in the Gazette ;

" rupees " means Ceylon rupees ;

" secondary securities " has the meaning assigned to it by section 19 ;

" securities " means shares, stock, bonds, notes (other than promissory notes), debentures, debenture stock, units under a unit trust scheme, and shares in an oil royalty ;

" specified foreign currency " has the meaning assigned to it by section 6 ;

" unit trust scheme " means any arrangements made for the purpose, or having the effect, of providing for persons having funds available for investment, facilities for the participation by them, as beneficiaries under a trust, in profits or income arising from the acquisition, holding, management or disposal of any property whatsoever ;

" unit " means, in relation to a unit trust scheme, a right or interest (whether described as a unit, as a sub-unit, or otherwise) which may be acquired under that scheme.

(2) Any provision of this Act (however worded) the effect of which is to prohibit the doing of any act where a person to or by whom the act is to be done or who stands in a specified relation to any property possesses any specified attribute as to residence or otherwise shall, where the act is done to or by two or more persons or, as the case may be, where two or

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more persons stand jointly in that relation to the property, operate to prohibit the doing of that act if any of those persons possess that attribute ; and any provision of this Act imposing an obligation on any person to do an act if he possesses any specified attribute as to residence or otherwise shall, in relation to any act which can only be done by two or more persons jointly—

(*a*) where all those persons possess that attribute, operate to impose a joint obligation on all of them to do the act, and

(*b*) where some only of them possess that attribute, operate to impose a separate obligation on each one of them who possesses that attribute to do all he can to secure the doing of the act.

(3) Any power conferred by this Act to require declarations which are to be furnished on any occasion shall include a power to require that the declarations shall be made by specified persons and shall be verified in a special manner.

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CHAPTER 424

BRETTON WOODS AGREEMENTS

AN ACT TO ENABLE CEYLON TO BECOME A MEMBER OF THE INTERNATIONAL MONETARY FUND AND OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT BY ACCEPTANCE OF THE INTERNATIONAL AGREEMENTS FOR THE ESTABLISHMENT AND OPERATION OF THE FUND AND BANK.

Act No. 20 of 1950.

[*22nd August, 1950.*]

Preamble.

Whereas the International Monetary Fund and the International Bank for Reconstruction and Development were established in pursuance of agreements drawn up at the United Nations Monetary and Financial Conference held at Bretton Woods in New Hampshire in the United States of America in July 1944:

And whereas copies of the text of the Articles of the said Agreements have been laid before Parliament:

And whereas the International Monetary Fund and the International Bank for Reconstruction and Development have prescribed the terms and conditions set out in the First Schedule and the Second Schedule to this Act as the terms and conditions upon which Ceylon may be admitted to membership of the International Monetary Fund and the International Bank for Reconstruction and Development respectively:

And whereas, for the purpose of complying with the terms and conditions aforesaid, it is necessary to make provision as hereinafter set out:

Now, therefore, be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Bretton Woods Agreements Act.

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ACCEPTANCE OF THE AGREEMENTS AND FINANCIAL PROVISIONS

Authorization of signature of Articles of Agreement of the Fund and the Bank respectively.

2. The Governor-General is hereby authorized by instruments under his hand to empower such person as may be named in such instruments, on behalf of the Government of Ceylon—

(*a*) to sign the Articles of Agreement of the International Monetary Fund and the Articles of Agreement of the International Bank for Reconstruction and Development, respectively; and

(*b*) to deposit with the Government of the United States of America instruments of acceptance of the Articles of Agreement of the Fund (hereinafter referred to as "the Fund Agreement") and of the Articles of Agreement of the Bank (hereinafter referred to as "the Bank Agreement"), stating that the Government of Ceylon has accepted in accordance with its law the respective Articles and the terms and conditions prescribed thereunder as the terms upon which the Government of Ceylon shall be admitted to membership of the Fund and of the Bank.

Subscription to International Monetary Fund.

3. (1) There shall be paid out of the Consolidated Fund of Ceylon such part of the subscription of Ceylon specified in the terms and conditions set out in the First Schedule to this Act as may, in accordance with those terms and conditions and the provisions of sections 3 and 5 of Article III of the Fund Agreement, be payable in gold or in Ceylon currency.

(2) The Minister of Finance is hereby authorized, on behalf of the Government, to create and issue to the International Monetary Fund, in such form as he thinks fit, any such non-interest-bearing and non-negotiable notes or other obligations as the Fund may, under section 5 of Article III of the Fund Agreement, determine to accept in place of any part of the subscription of Ceylon which would, but for such acceptance, be payable in Ceylon currency.

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Other payments to the International Monetary Fund.

4. (1) There shall be paid out of the Consolidated Fund of Ceylon—

(*a*) all sums payable to the International Monetary Fund under paragraph (*b*) of section 8 of Article IV of the Fund Agreement (which relates to changes in the par or foreign exchange value of currencies of members) ;

(*b*) all sums required for implementing the guarantee required by section 3 of Article XIII of the Fund Agreement, that is to say, a guarantee of the assets of that Fund against loss resulting from failure or default of the depository designated by the Government of Ceylon under the said Article ;

(*c*) all sums required for the redemption of any notes or obligations created and issued to that Fund under this Act ; and

(*d*) any compensation required to be paid to that Fund or to any member thereof under Schedule D of the Fund Agreement (which relates to the withdrawal of members from the Fund) or under Schedule E thereof (which relates to the liquidation of the Fund).

(2) The Minister of Finance, if he thinks fit so to do, may, on behalf of the Government, create and issue to the International Monetary Fund, in such form as he thinks fit, any such non-interest bearing and non-negotiable notes or other obligations as the Fund may under section 5 of Article III of the Fund Agreement determine to accept in place of any Ceylon currency payable to the Fund under any provisions of the Fund Agreement mentioned in paragraph (*a*) or paragraph (*b*), or under paragraph (*c*), of subsection (1) of this section.

Subscription to International Bank for Reconstruction and Development.

5. (1) There shall be paid out of the Consolidated Fund of Ceylon such part of the subscription of Ceylon specified in paragraph 2 of the terms and conditions set out in the Second Schedule to this Act as may, in accordance with those terms and conditions and the

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provisions of Article II of the Bank Agreement, be payable in gold or United States dollars or in Ceylon currency.

(2) The Minister of Finance is hereby authorized, on behalf of the Government, to create and issue to the International Bank for Reconstruction and Development, in such form as he thinks fit, any such non-interest-bearing and non-negotiable notes or other obligations as the Bank may, under section 12 of Article V of the Bank Agreement, determine to accept in place of any part of the subscription of Ceylon which would, but for such acceptance, be payable in Ceylon currency.

Other payments to the International Bank.

6. There shall be paid out of the Consolidated Fund of Ceylon—

(*a*) all sums payable to the International Bank for Reconstruction and Development under section 9 of Article II of the Bank Agreement (which relates to changes in the par or foreign exchange value of currencies of members) ; and

(*b*) all sums required for the redemption of any notes or obligations created and issued to that Bank under this Act.

Issue of Government notes or obligations to Central Bank.

7. (1) For the purpose of providing any sums required to be paid out of the Consolidated Fund under subsection (1) of section 3 of this Act, or under paragraph (*a*) or paragraph (*b*) or paragraph (*c*) of subsection (1) of section 4 of this Act, or under section 5 or section 6 of this Act, the Minister of Finance is hereby authorized to raise loans, on behalf of the Government, by the creation and issue to the Central Bank of Ceylon, in such form as he thinks fit, of non-interest-bearing and non-negotiable notes or obligations.

(2) Notwithstanding anything in the Monetary Law Act the Central Bank of Ceylon is hereby authorized to accept and hold any notes or obligations created and issued in accordance with the provisions of subsection (1) of this section.

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(3) There shall be paid out of the Consolidated Fund of Ceylon all sums required for the redemption of any notes or obligations created and issued to the Central Bank of Ceylon under subsection (1) of this section.

Charges and receipts.

8. (1) The Central Bank of Ceylon is hereby authorized to make payment of all sums required for the purpose of paying any charges payable to the International Monetary Fund under section 8 of Article V of the Fund Agreement.

(2) All sums received by or on behalf of the Government of Ceylon from the International Monetary Fund or from the International Bank for Reconstruction and Development, other than sums received by reason of operations of the Central Bank of Ceylon under Article V or Article VII or Article VIII of the Fund Agreement, shall be paid into the Consolidated Fund of Ceylon ; and the sums so received, in so far as they represent capital, shall, unless otherwise provided in that behalf by any written law, be applied from time to time as the Minister of Finance may direct in the redemption of notes or other obligations issued to the Central Bank under this Act.

STATUS AND IMMUNITIES OF THE FUND AND OF THE BANK

Orders for carrying the Agreements into effect.

9. (1) The Governor-General may, by Order, make such provision as he may consider reasonably necessary for carrying into effect any of the provisions of the Fund Agreement and the Bank Agreement relating to the status, immunities and privileges of the International Monetary Fund and of the International Bank for Reconstruction and Development and their respective Governors, executive directors, alternates, officers and employees, or any of the provisions of the Fund Agreement as to the unenforceability of exchange contracts.

(2) Without prejudice to the generality of the provisions of subsection (1), any Order made under that subsection may declare that any specified provisions of the Fund Agreement or the Bank Agreement shall have the force of law in Ceylon.

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FIRST SCHEDULE

[Section 3.] TERMS AND CONDITIONS PRESCRIBED BY RESOLUTION OF THE BOARD OF GOVERNORS OF THE INTERNATIONAL MONETARY FUND FOR ADMISSION OF THE GOVERNMENT OF CEYLON TO MEMBERSHIP IN THE FUND

1. *Definitions.*—As used in this resolution :

(*a*) The term "Ceylon" means the Government of Ceylon.

(*b*) The term "Fund" means International Monetary Fund.

(*c*) The term "Articles" means the Articles of Agreement of the Fund.

(*d*) The term "dollars" or "$" means United States dollars of the weight and fineness in effect on July 1, 1944.

(*e*) The term "member" means member of the Fund.

2. *Quota.*—The quota of Ceylon shall be $15,000,000.00.

3. *Subscription.*—The subscription of Ceylon shall be equal to its quota, and not less than 5 per cent. of the subscription shall be paid in gold and the balance in the currency of Ceylon.

4. *Payment of Subscription.*—The portion of the subscription to be paid in gold shall be paid not later than the day the Articles are signed on behalf of Ceylon. In case Ceylon does not acquire membership in the Fund, the gold so paid shall be returned to it by the Fund.

5. *Determination of par value.*—Within thirty days after the Fund so requests, Ceylon shall communicate to the Fund the par value of its currency based on the rates of exchange prevailing on the date Ceylon becomes a member of the Fund, and within sixty days following the Fund's receipt of the communicated par value, Ceylon and the Fund shall agree on an initial par value for the currency ; provided that the Fund may extend the period of sixty days, and that Ceylon shall be deemed to have withdrawn from the Fund if agreement on a par value has not been reached when the extended period expires.

6. *Exchange Transactions with the Fund.*—Ceylon may not engage in exchange transactions with the Fund before the thirtieth day after the par value of its currency has been agreed in accordance with 5 above and its subscription shall be paid in full before such thirtieth day.

7. *Representation and Information.*—Before accepting membership in the Fund, Ceylon shall represent to the Fund that it has taken all action necessary to sign and deposit the instrument of acceptance and sign the Articles, as contemplated by paragraph 8 (*a*) and (*b*) of this resolution, and Ceylon shall furnish to the Fund such information in respect of such action as the Fund may request.

8. *Acceptance of Membership.*—After the Fund shall have informed the Government of the United States of America that Ceylon has complied with the conditions set forth in

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paragraph 7 of this resolution, Ceylon shall become a member of the Fund, as of the date when Ceylon shall have complied with the following requirements :

(*a*) Ceylon shall deposit with the Government of the United States of America an instrument stating that it has accepted in accordance with its law the Articles and all the terms and conditions prescribed in this resolution, and that it has taken all steps necessary to enable it to carry out all its obligations under the Articles and this resolution ;

(*b*) Ceylon shall sign the original copy of the Articles held in the Archives of the Government of the United States of America.

9. *Limitation of Period for Acceptance of Membership.*— Ceylon may accept membership in the Fund pursuant to this resolution until December 31, 1950 ; provided, however, that, if extraordinary circumstances are deemed by the Executive Directors to warrant an extension of the period during which the Applicant may accept membership pursuant to this resolution, the Executive Directors may extend such period until such later date as they may determine but in no event beyond June 30, 1951.

SECOND SCHEDULE

TERMS AND CONDITIONS PRESCRIBED BY RESOLUTION OF THE BOARD OF GOVERNORS OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR ADMISSION OF THE GOVERNMENT OF CEYLON TO MEMBERSHIP IN THE BANK [Section 5.]

1. *Definitions.*—As used in this resolution :

(*a*) The term "Ceylon" means the Government of Ceylon.

(*b*) The term "Bank" means International Bank for Reconstruction and Development.

(*c*) The term "Articles" means the Articles of Agreement of the Bank.

(*d*) The term "dollars" or "$" means United States dollars of the weight and fineness in effect on July 1, 1944.

(*e*) The term "subscription" means the capital stock of the Bank subscribed to by a member.

(*f*) The term "member" means member of the Bank.

2. *Subscription.*—By accepting membership in the Bank, Ceylon shall subscribe to 150 shares of the capital stock of the Bank at the par value of $100,000 per share.

3. *Membership in the Fund.*—Before accepting membership in the Bank, Ceylon shall accept membership in and become a member of the International Monetary Fund.

4. *Payments on Subscription :*

(*a*) Before accepting membership in the Bank, Ceylon shall pay to the Bank :

(i) Gold or United States dollars equal to 2 per cent. of its subscription, without any right to postpone payment of any part thereof under Section 8 (*a*) of Article II of the Articles ; and

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(ii) An amount in the currency of Ceylon which at the appropriate prevailing exchange rate, shall be equal in value to 18 per cent. of its subscription.

(*b*) Ceylon shall agree that, if it tenders any part of the payment called for in paragraph (*a*) (i) above in gold, the Bank shall have the right to reject any such gold which, in its opinion, may not be sold freely and unconditionally by the Bank to members requiring certification or other evidence as to the origin of gold purchased by them.

5. *Representation and Information.*—Before accepting membership in the Bank, Ceylon shall represent to the Bank that it has taken all action necessary to sign and deposit the instrument of acceptance and sign the Articles as contemplated by paragraph 6 (*a*) and (*b*) of this resolution and Ceylon shall furnish to the Bank such information in respect of such action as the Bank may request.

6. *Acceptance of Membership.*—After the Bank shall have informed the Government of the United States of America that Ceylon (i) has made the payments called for by paragraph 4 of this resolution ; (ii) has made the representation called for by paragraph 5 of this resolution ; and (iii) has furnished the information requested by the Bank pursuant to said paragraph 5, and after Ceylon shall have become a member of the International Monetary Fund, Ceylon shall become a member of the Bank, with a subscription as set forth in paragraph 2 of this resolution, as of the date when Ceylon shall have complied with the following requirements :—

(*a*) Ceylon shall deposit with the Government of the United States of America an instrument stating that it has accepted in accordance with its law the Articles and all the terms and conditions prescribed in this resolution, and that it has taken all steps necessary to enable it to carry out all its obligations under the Articles and this resolution ;

(*b*) Ceylon shall sign the original copy of the Articles held in the Archives of the Government of the United States of America.

7. *Limitation on Period for Acceptance of Membership.*—Ceylon may accept membership in the Bank pursuant to this resolution until December 31, 1950 ; provided, however, that, if extraordinary circumstances are deemed by the Executive Directors to warrant an extension of the period during which Ceylon may accept membership pursuant to this resolution, the Executive Directors may extend such period until such later date as they may determine, but in no event beyond June 30, 1951.

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CHAPTER 425

INTERNATIONAL FINANCE CORPORATION AGREEMENT

AN ACT TO ENABLE CEYLON TO BECOME A MEMBER OF THE INTERNATIONAL FINANCE CORPORATION.

Act No. 4 of 1956.

[*2nd February, 1956.*]

Short title.

1. This Act may be cited as the International Finance Corporation Agreement Act.

Authorization of signature of Articles of Agreement of the International Finance Corporation.

2. The Governor-General is hereby authorized by instrument under his hand to empower such person as may be named in the instrument, on behalf of the Government of Ceylon—

(*a*) to sign the Articles of Agreement (hereinafter referred to as "the Articles") of the International Finance Corporation (hereinafter referred to as "the Corporation") which are set out in the Schedule to this Act, and

(*b*) to deposit with the International Bank for Reconstruction and Development (hereinafter referred to as "the Bank") an instrument stating that the Government of Ceylon (hereinafter referred to as "the Government") has accepted the Articles without reservation in accordance with the law of Ceylon and has taken all steps necessary to enable the Government to carry out all the obligations of the Government under the Articles,

in order that Ceylon, which is entitled to be an original member of the Corporation by virtue of Section 1 (*a*) of Article II of the Articles and Schedule A to the Articles, may accept membership in the Corporation on or before the date specified in Section 2 (*c*) of Article IX of the Articles.

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Subscription to the Corporation.

3. There shall be paid out of the Consolidated Fund of Ceylon such sum as may be required to pay to the Corporation 166,000 United States dollars as subscription to 166 shares of stock of the Corporation which are the number of shares to which Ceylon is entitled to subscribe by virtue of Section 3 (*a*) of Article II of the Articles and Schedule A to the Articles.

Status, immunities and privileges accorded in Ceylon to the Corporation.

4. The provisions of Sections 2 to 9 and Section 11 of Article VI of the Articles shall have the force of law in Ceylon, and accordingly the Corporation—

(*a*) shall have in Ceylon the status and capacity specified in Section 2 of the said Article VI, and

(*b*) shall, subject to the provisions of Section 11 of the said Article VI, have in Ceylon the immunities and privileges specified in Sections 3 to 9 of the said Article VI.

Orders for carrying the Articles into effect.

5. The Governor-General may, by Order published in the Gazette, make such other provision as he may consider reasonably necessary for carrying into effect any of the provisions of the Articles, and every Order made under this section and so published shall have the force of law.

SCHEDULE

[Section 2.]

ARTICLES OF AGREEMENT OF THE INTERNATIONAL FINANCE CORPORATION

The Governments on whose behalf this Agreement is signed agree as follows :

INTRODUCTORY ARTICLE

The International Finance Corporation (hereinafter called the Corporation) is established and shall operate in accordance with the following provisions :

ARTICLE I

PURPOSE

The purpose of the Corporation is to further economic development by encouraging the growth of productive private enterprise in member countries, particularly in the less developed areas, thus supplementing the activities of the

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International Bank for Reconstruction and Development (hereinafter called the Bank). In carrying out this purpose, the Corporation shall—

(i) in association with private investors, assist in financing the establishment, improvement and expansion of productive private enterprises which would contribute to the development of its member countries by making investments, without guarantee of repayment by the member government concerned, in cases where sufficient private capital is not available on reasonable terms ;

(ii) seek to bring together investment opportunities, domestic and foreign private capital, and experienced management ; and

(iii) seek to stimulate, and to help create conditions conducive to, the flow of private capital, domestic and foreign, into productive investment in member countries.

The Corporation shall be guided in all its decisions by the provisions of this Article.

ARTICLE II

MEMBERSHIP AND CAPITAL

Section 1.—*Membership*

(*a*) The original members of the Corporation shall be those members of the Bank listed in Schedule A hereto which shall, on or before the date specified in Article IX, Section 2 (*c*), accept membership in the Corporation.

(*b*) Membership shall be open to other members of the Bank at such times and in accordance with such terms as may be prescribed by the Corporation.

Section 2.—*Capital Stock*

(*a*) The authorized capital stock of the Corporation shall be $100,000,000, in terms of United States dollars.

(*b*) The authorized capital stock shall be divided into 100,000 shares having a par value of one thousand United States dollars each. Any such shares not initially subscribed by original members shall be available for subsequent subscription in accordance with Section 3 (*d*) of this Article.

(*c*) The amount of capital stock at any time authorized may be increased by the Board of Governors as follows :—

(i) by a majority of the votes cast, in case such increase is necessary for the purpose of issuing shares of capital stock on initial subscription by members other than original members, provided that the aggregate of any increases authorized pursuant to this sub-paragraph shall not exceed 10,000 shares ;

(ii) in any other case, by a three-fourths majority of the total voting power.

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(*d*) In case of an increase authorized pursuant to paragraph (c) (ii) above, each member shall have a reasonable opportunity to subscribe, under such conditions as the Corporation shall decide, to a proportion of the increase of stock equivalent to the proportion which its stock theretofore subscribed bears to the total capital stock of the Corporation, but no member shall be obligated to subscribe to any part of the increased capital.

(*e*) Issuance of shares of stock, other than those subscribed either on initial subscription or pursuant to paragraph (*d*) above, shall require a three-fourths majority of the total voting power.

(*f*) Shares of stock of the Corporation shall be available for subscription only by, and shall be issued only to members.

Section 3.—*Subscriptions*

(*a*) Each original member shall subscribe to the number of shares of stock set forth opposite its name in Schedule A. The number of shares of stock to be subscribed by other members shall be determined by the Corporation.

(*b*) Shares of stock initially subscribed by original members shall be issued at par.

(*c*) The initial subscription of each original member shall be payable in full within 30 days after either the date on which the Corporation shall begin operations pursuant to Article IX, Section 3 (*b*), or the date on which such original member becomes a member, whichever shall be later, or at such date thereafter as the Corporation shall determine. Payment shall be made in gold or United States dollars in response to a call by the Corporation which shall specify the place or places of payment.

(*d*) The price and other terms of subscription of shares of stock to be subscribed, otherwise than on initial subscription by original members, shall be determined by the Corporation.

Section 4.—*Limitation on Liability*

No member shall be liable, by reason of its membership, for obligations of the Corporation.

Section 5.—*Restriction on Transfers and Pledges of Shares*

Shares of stock shall not be pledged or encumbered in any manner whatever, and shall be transferable only to the Corporation.

Article III

OPERATIONS

Section 1.—*Financing Operations*

The Corporation may make investments of its funds in productive private enterprises in the territories of its members. The existence of a government or other public interest in such an enterprise shall not necessarily preclude the Corporation from making an investment therein.

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Section 2.—*Forms of Financing*

(*a*) The Corporation's financing shall not take the form of investments in capital stock. Subject to the foregoing, the Corporation may make investments of its funds in such form or forms as it may deem appropriate in the circumstances, including (but without limitation) investments according to the holder thereof the right to participate in earnings and the right to subscribe to, or to convert the investment into, capital stock.

(*b*) The Corporation shall not itself exercise any right to subscribe to, or to convert any investment into, capital stock.

Section 3.—*Operational Principles*

The operations of the Corporation shall be conducted in accordance with the following principles :—

(i) the Corporation shall not undertake any financing for which in its opinion sufficient private capital could be obtained on reasonable terms ;

(ii) the Corporation shall not finance an enterprise in the territories of any member if the member objects to such financing ;

(iii) the Corporation shall impose no conditions that the proceeds of any financing by it shall be spent in the territories of any particular country ;

(iv) the Corporation shall not assume responsibility for managing any enterprise in which it has invested ;

(v) the Corporation shall undertake its financing on terms and conditions which it considers appropriate, taking into account the requirements of the enterprise, the risks being undertaken by the Corporation and the terms and conditions normally obtained by private investors for similar financing ;

(vi) the Corporation shall seek to revolve its funds by selling its investments to private investors whenever it can appropriately do so on satisfactory terms ;

(vii) the Corporation shall seek to maintain a reasonable diversification in its investments.

Section 4.—*Protection of Interests*

Nothing in this Agreement shall prevent the Corporation, in the event of actual or threatened default on any of its investments, actual or threatened insolvency of the enterprise in which such investment shall have been made, or other situations which, in the opinion of the Corporation, threaten to jeopardize such investment, from taking such action and exercising such rights as it may deem necessary for the protection of its interests.

Section 5.—*Applicability of certain Foreign Exchange Restrictions*

Funds received by or payable to the Corporation in respect of an investment of the Corporation made in any member's territories pursuant to Section 1 of this Article shall not be free, solely by reason of any provision of this Agreement, from generally applicable foreign exchange restrictions, regulations and controls in force in the territories of that member.

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Section 6.—*Miscellaneous Operations*

In addition to the operations specified elsewhere in this Agreement, the Corporation shall have the power to—

(i) borrow funds, and in that connection to furnish such collateral or other security therefor as it shall determine ; provided, however, that before making a public sale of its obligations in the markets of a member, the Corporation shall have obtained the approval of that member and of the member in whose currency the obligations are to be denominated ;

(ii) invest funds not needed in its financing operations in such obligations as it may determine and invest funds held by it for pension or similar purposes in any marketable securities, all without being subject to the restrictions imposed by other Sections of this Article ;

(iii) guarantee securities in which it has invested in order to facilitate their sale ;

(iv) buy and sell securities it has issued or guaranteed or in which it has invested ;

(v) exercise such other powers incidental to its business as shall be necessary or desirable in furtherance of its purposes.

Section 7.—*Valuation of Currencies*

Whenever it shall become necessary under this Agreement to value any currency in terms of the value of another currency, such valuation shall be as reasonably determined by the Corporation after consultation with the International Monetary Fund.

Section 8.—*Warning to be Placed on Securities*

Every security issued or guaranteed by the Corporation shall bear on its face a conspicuous statement to the effect that it is not an obligation of the Bank or, unless expressly stated on the security, of any government.

Section 9.—*Political Activity Prohibited*

The Corporation and its officers shall not interfere in the political affairs of any member ; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purposes stated in this Agreement.

ARTICLE IV

ORGANIZATION AND MANAGEMENT

Section 1.—*Structure of the Corporation*

The Corporation shall have a Board of Governors, a Board of Directors, a Chairman of the Board of Directors, a President and such other officers and staff to perform such duties as the Corporation may determine.

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Section 2.—*Board of Governors*

(*a*) All the powers of the Corporation shall be vested in the Board of Governors.

(*b*) Each Governor and Alternate Governor of the Bank appointed by a member of the Bank which is also a member of the Corporation shall *ex officio* be a Governor or Alternate Governor, respectively, of the Corporation. No Alternate Governor may vote except in the absence of his principal. The Board of Governors shall select one of the Governors as Chairman of the Board of Governors. Any Governor or Alternate Governor shall cease to hold office if the member by which he was appointed shall cease to be a member of the Corporation.

(*c*) The Board of Governors may delegate to the Board of Directors authority to exercise any of its powers, except the power to—

(i) admit new members and determine the conditions of their admission ;

(ii) increase or decrease the capital stock ;

(iii) suspend a member ;

(iv) decide appeals from interpretations of this Agreement given by the Board of Directors ;

(v) make arrangements to co-operate with other international organizations (other than informal arrangements of a temporary and administrative character) ;

(vi) decide to suspend permanently the operations of the Corporation and to distribute its assets ;

(vii) declare dividends ;

(viii) amend this Agreement.

(*d*) The Board of Governors shall hold an annual meeting and such other meetings as may be provided for by the Board of Governors or called by the Board of Directors.

(*e*) The annual meeting of the Board of Governors shall be held in conjunction with the annual meeting of the Board of Governors of the Bank.

(*f*) A quorum for any meeting of the Board of Governors shall be a majority of the Governors, exercising not less than two-thirds of the total voting power.

(*g*) The Corporation may by regulation establish a procedure whereby the Board of Directors may obtain a vote of the Governors on a specific question without calling a meeting of the Board of Governors.

(*h*) The Board of Governors, and the Board of Directors to the extent authorized, may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Corporation.

(*i*) Governors and Alternate Governors shall serve as such without compensation from the Corporation.

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Section 3.—*Voting*

(*a*) Each member shall have two hundred fifty votes plus one additional vote for each share of stock held.

(*b*) Except as otherwise expressly provided all matters before the Corporation shall be decided by a majority of the votes cast.

Section 4.—*Board of Directors*

(*a*) The Board of Directors shall be responsible for the conduct of the general operations of the Corporation, and for this purpose shall exercise all the powers given to it by this Agreement or delegated to it by the Board of Governors.

(*b*) The Board of Directors of the Corporation shall be composed *ex officio* of each Executive Director of the Bank who shall have been either (i) appointed by a member of the Bank which is also a member of the Corporation, or (ii) elected in an election in which the votes of at least one member of the Bank which is also a member of the Corporation shall have counted toward his election. The Alternate to each such Executive Director of the Bank shall *ex officio* be an Alternate Director of the Corporation. Any Director shall cease to hold office if the member by which he was appointed, or if all the members whose votes counted toward his election, shall cease to be members of the Corporation.

(*c*) Each Director who is an appointed Executive Director of the Bank shall be entitled to cast the number of votes which the member by which he was so appointed is entitled to cast in the Corporation. Each Director who is an elected Executive Director of the Bank shall be entitled to cast the number of votes which the member or members of the Corporation whose votes counted toward his election in the Bank are entitled to cast in the Corporation. All the votes which a Director is entitled to cast shall be cast as a unit.

(*d*) An Alternate Director shall have full power to act in the absence of the Director who shall have appointed him. When a Director is present, his Alternate may participate in meetings but shall not vote.

(*e*) A quorum for any meeting of the Board of Directors shall be a majority of the Directors exercising not less than one-half of the total voting power.

(*f*) The Board of Directors shall meet as often as the business of the Corporation may require.

(*g*) The Board of Governors shall adopt regulations under which a member of the Corporation not entitled to appoint an Executive Director of the Bank may send a representative to attend any meeting of the Board of Directors of the Corporation when a request made by, or a matter particularly affecting, that member is under consideration.

Section 5.—*Chairman, President and Staff*

(*a*) The President of the Bank shall be *ex officio* Chairman of the Board of Directors of the Corporation, but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Board of Governors but shall not vote at such meetings.

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(*b*) The President of the Corporation shall be appointed by the Board of Directors on the recommendation of the Chairman. The President shall be chief of the operating staff of the Corporation. Under the direction of the Board of Directors and the general supervision of the Chairman, he shall conduct the ordinary business of the Corporation and under their general control shall be responsible for the organization, appointment and dismissal of the officers and staff. The President may participate in meetings of the Board of Directors but shall not vote at such meetings. The President shall cease to hold office by decision of the Board of Directors in which the Chairman concurs.

(*c*) The President, officers and staff of the Corporation, in the discharge of their offices, owe their duty entirely to the Corporation and to no other authority. Each member of the Corporation shall respect the international character of this duty and shall refrain from all attempts to influence any of them in the discharge of their duties.

(*d*) Subject to the paramount importance of securing the highest standards of efficiency and of technical competence, due regard shall be paid, in appointing the officers and staff of the Corporation, to the importance of recruiting personnel on as wide a geographical basis as possible.

Section 6.—*Relationship to the Bank*

(*a*) The Corporation shall be an entity separate and distinct from the Bank and the funds of the Corporation shall be kept separate and apart from those of the Bank. The Corporation shall not lend to or borrow from the Bank. The provisions of this Section shall not prevent the Corporation from making arrangements with the Bank regarding facilities, personnel and services and arrangements for reimbursement of administrative expenses paid in the first instance by either organization on behalf of the other.

(*b*) Nothing in this Agreement shall make the Corporation liable for the acts or obligations of the Bank, or the Bank liable for the acts or obligations of the Corporation.

Section 7.—*Relations with other International Organizations*

The Corporation, acting through the Bank, shall enter into formal arrangements with the United Nations and may enter into such arrangements with other public international organizations having specialized responsibilities in related fields.

Section 8.—*Location of Offices*

The principal office of the Corporation shall be in the same locality as the principal office of the Bank. The Corporation may establish other offices in the territories of any member.

Section 9.—*Depositories*

Each member shall designate its central bank as a depository in which the Corporation may keep holdings of such member's currency or other assets of the Corporation or, if it has no central bank, it shall designate for such purpose such other institution as may be acceptable to the Corporation.

Section 10.—*Channel of Communication*

Each member shall designate an appropriate authority with which the Corporation may communicate in connection with any matter arising under this Agreement.

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Section 11.—*Publication of Reports and Provision of Information*

(*a*) The Corporation shall publish an annual report containing an audited statement of its accounts and shall circulate to members at appropriate intervals a summary statement of its financial position and a profit and loss statement showing the results of its operations.

(*b*) The Corporation may publish such other reports as it deems desirable to carry out its purposes.

(*c*) Copies of all reports, statements and publications made under this Section shall be distributed to members.

Section 12.—*Dividends*

(*a*) The Board of Governors may determine from time to time what part of the Corporation's net income and surplus, after making appropriate provision for reserves, shall be distributed as dividends.

(*b*) Dividends shall be distributed *pro rata* in proportion to capital stock held by members.

(*c*) Dividends shall be paid in such manner and in such currency or currencies as the Corporation shall determine.

ARTICLE V

WITHDRAWAL ; SUSPENSION OF MEMBERSHIP ; SUSPENSION OF OPERATIONS

Section 1.—*Withdrawal by Members*

Any member may withdraw from membership in the Corporation at any time by transmitting a notice in writing to the Corporation at its principal office. Withdrawal shall become effective upon the date such notice is received.

Section 2.—*Suspension of Membership*

(*a*) If a member fails to fulfil any of its obligations to the Corporation, the Corporation may suspend its membership by decision of a majority of the Governors exercising a majority of the total voting power. The member so suspended shall automatically cease to be a member one year from the date of its suspension unless a decision is taken by the same majority to restore the member to good standing.

(*b*) While under suspension, a member shall not be entitled to exercise any rights under this Agreement except the right of withdrawal, but shall remain subject to all obligations.

Section 3.—*Suspension or Cessation of Membership in the Bank*

Any member which is suspended from membership in, or ceases to be a member of, the Bank shall automatically be suspended from membership in, or cease to be a member of, the Corporation, as the case may be.

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Section 4.—*Rights and Duties of Governments ceasing to be Members*

(*a*) When a government ceases to be a member it shall remain liable for all amounts due from it to the Corporation. The Corporation shall arrange for the repurchase of such government's capital stock as a part of the settlement of accounts with it in accordance with the provisions of this Section, but the government shall have no other rights under this Agreement except as provided in this Section and in Article VIII (*c*).

(*b*) The Corporation and the government may agree on the repurchase of the capital stock of the government on such terms as may be appropriate under the circumstances, without regard to the provisions of paragraph (*c*) below. Such agreement may provide, among other things, for a final settlement of all obligations of the government to the Corporation.

(*c*) If such agreement shall not have been made within six months after the government ceases to be a member or such other time as the Corporation and such government may agree, the repurchase price of the government's capital stock shall be the value thereof shown by the books of the Corporation on the day when the government ceases to be a member. The repurchase of the capital stock shall be subject to the following conditions :—

(i) payments for shares of stock may be made from time to time, upon their surrender by the government, in such instalments, at such times and in such available currency or currencies as the Corporation reasonably determines, taking into account the financial position of the Corporation ;

(ii) any amount due to the government for its capital stock shall be withheld so long as the government or any of its agencies remains liable to the Corporation for payment of any amount and such amount may, at the option of the Corporation, be set off, as it becomes payable, against the amount due from the Corporation ;

(iii) if the Corporation sustains a net loss on the investments made pursuant to Article III, Section 1, and held by it on the date when the government ceases to be a member, and the amount of such loss exceeds the amount of the reserves provided therefor on such date, such government shall repay on demand the amount by which the repurchase price of its shares of stock would have been reduced if such loss had been taken into account when the repurchase price was determined.

(*d*) In no event shall any amount due to a government for its capital stock under this Section be paid until six months after the date upon which the government ceases to be a member. If within six months of the date upon which any government ceases to be a member the Corporation suspends operations under Section 5 of this Article, all rights of such government shall be determined by the provisions of

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such Section 5 and such government shall be considered still a member of the Corporation for purposes of such Section 5, except that it shall have no voting rights.

Section 5.—*Suspension of Operations and Settlement of Obligations*

(*a*) The Corporation may permanently suspend its operations by vote of a majority of the Governors exercising a majority of the total voting power. After such suspension of operations the Corporation shall forthwith cease all activities, except those incident to the orderly realization, conservation and preservation of its assets and settlement of its obligations. Until final settlement of such obligations and distribution of such assets, the Corporation shall remain in existence and all mutual rights and obligations of the Corporation and its members under this Agreement shall continue unimpaired, except that no member shall be suspended or withdraw and that no distribution shall be made to members except as in this Section provided.

(*b*) No distribution shall be made to members on account of their subscriptions to the capital stock of the Corporation until all liabilities to creditors shall have been discharged or provided for and until the Board of Governors, by vote of a majority of the Governors exercising a majority of the total voting power, shall have decided to make such distribution.

(*c*) Subject to the foregoing, the Corporation shall distribute the assets of the Corporation to members *pro rata* in proportion to capital stock held by them, subject, in the case of any member, to prior settlement of all outstanding claims by the Corporation against such member. Such distribution shall be made at such times, in such currencies, and in cash or other assets as the Corporation shall deem fair and equitable. The shares distributed to the several members need not necessarily be uniform in respect of the type of assets distributed or of the currencies in which they are expressed.

(*d*) Any member receiving assets distributed by the Corporation pursuant to this Section shall enjoy the same rights with respect to such assets as the Corporation enjoyed prior to their distribution.

ARTICLE VI

STATUS, IMMUNITIES AND PRIVILEGES

Section 1.—*Purposes of Article*

To enable the Corporation to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Corporation in the territories of each member.

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Section 2.—*Status of the Corporation*

The Corporation shall possess full juridical personality and, in particular, the capacity—

(i) to contract;

(ii) to acquire and dispose of immovable and movable property;

(iii) to institute legal proceedings.

Section 3.—*Position of the Corporation with regard to Judicial Process*

Actions may be brought against the Corporation only in a court of competent jurisdiction in the territories of a member in which the Corporation has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Corporation shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Corporation.

Section 4.—*Immunity of Assets from Seizure*

Property and assets of the Corporation, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5.—*Immunity of Archives*

The archives of the Corporation shall be inviolable.

Section 6.—*Freedom of Assets from Restrictions*

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of Article III, Section 5, and the other provisions of this Agreement, all property and assets of the Corporation shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7.—*Privilege for Communications*

The official communications of the Corporation shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8.—*Immunities and Privileges of Officers and Employees*

All Governors, Directors, Alternates, officers and employees of the Corporation—

(i) shall be immune from legal process with respect to acts performed by them in their official capacity;

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(ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members ;

(iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9.—*Immunities from Taxation*

(*a*) The Corporation, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Corporation shall also be immune from liability for the collection or payment of any tax or duty.

(*b*) No tax shall be levied on or in respect of salaries and emoluments paid by the Corporation to Directors, Alternates, officials or employees of the Corporation who are not local citizens, local subjects, or other local nationals.

(*c*) No taxation of any kind shall be levied on any obligation or security issued by the Corporation (including any dividend or interest thereon) by whomsoever held—

(i) which discriminates against such obligation or security solely because it is issued by the Corporation ; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Corporation.

(*d*) No taxation of any kind shall be levied on any obligation or security guaranteed by the Corporation (including any dividend or interest thereon) by whomsoever held—

(i) which discriminates against such obligation or security solely because it is guaranteed by the Corporation ; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Corporation.

Section 10.—*Application of Article*

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Corporation of the detailed action which it has taken.

Section 11.—*Waiver*

The Corporation in its discretion may waive any of the privileges and immunities conferred under this Article to such extent and upon such conditions as it may determine.

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ARTICLE VII

AMENDMENTS

(*a*) This Agreement may be amended by vote of three-fifths of the Governors exercising four-fifths of the total voting power.

(*b*) Notwithstanding paragraph (*a*) above, the affirmative vote of all Governors is required in the case of any amendment modifying—

(i) the right to withdraw from the Corporation provided in Article V, Section 1 ;

(ii) the pre-emptive right secured by Article II, Section 2 (*d*) ;

(iii) the limitation on liability provided in Article II, Section 4.

(*c*) Any proposal to amend this Agreement, whether emanating from a member, a Governor or the Board of Directors, shall be communicated to the Chairman of the Board of Governors who shall bring the proposal before the Board of Governors. When an amendment has been duly adopted, the Corporation shall so certify by formal communication addressed to all members. Amendments shall enter into force for all members three months after the date of the formal communication unless the Board of Governors shall specify a shorter period.

ARTICLE VIII

INTERPRETATION AND ARBITRATION

(*a*) Any question of interpretation of the provisions of this Agreement arising between any member and the Corporation or between any members of the Corporation shall be submitted to the Board of Directors for its decision. If the question particularly affects any member of the Corporation not entitled to appoint an Executive Director of the Bank, it shall be entitled to representation in accordance with Article IV, Section 4 (*g*).

(*b*) In any case where the Board of Directors has given a decision under (*a*) above, any member may require that the question be referred to the Board of Governors, whose decision shall be final. Pending the result of the reference to the Board of Governors, the Corporation may, so far as it deems necessary, act on the basis of the decision of the Board of Directors.

(*c*) Whenever a disagreement arises between the Corporation and a country which has ceased to be a member, or between the Corporation and any member during the permanent suspension of the Corporation, such disagreement shall be submitted to arbitration by a tribunal of three arbitrators, one appointed by the Corporation, another by the country involved and an umpire who, unless the parties otherwise agree, shall be appointed by the President of the International Court of Justice or such other authority as may have

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been prescribed by regulation adopted by the Corporation. The umpire shall have full power to settle all questions of procedure in any case where the parties are in disagreement with respect thereto.

ARTICLE IX

FINAL PROVISIONS

Section 1.—*Entry into Force*

This Agreement shall enter into force when it has been signed on behalf of not less than 30 governments whose subscriptions comprise not less than 75 per cent. of the total subscriptions set forth in Schedule A and when the instruments referred to in Section 2 (*a*) of this Article have been deposited on their behalf, but in no event shall this Agreement enter into force before October 1, 1955.

Section 2.—*Signature*

(*a*) Each government on whose behalf this Agreement is signed shall deposit with the Bank an instrument setting forth that it has accepted this Agreement without reservation in accordance with its law and has taken all steps necessary to enable it to carry out all of its obligations under this Agreement.

(*b*) Each government shall become a member of the Corporation as from the date of the deposit on its behalf of the instrument referred to in paragraph (*a*) above except that no government shall become a member before this Agreement enters into force under Section 1 of this Article.

(*c*) This Agreement shall remain open for signature until the close of business on December 31, 1956, at the principal office of the Bank on behalf of the governments of the countries whose names are set forth in Schedule A.

(*d*) After this Agreement shall have entered into force, it shall be open for signature on behalf of the government of any country whose membership has been approved pursuant to Article II, Section 1 (*b*).

Section 3.—*Inauguration of the Corporation*

(*a*) As soon as this Agreement enters into force under Section 1 of this Article the Chairman of the Board of Directors shall call a meeting of the Board of Directors.

(*b*) The Corporation shall begin operations on the date when such meeting is held.

(*c*) Pending the first meeting of the Board of Governors the Board of Directors may exercise all the powers of the Board of Governors except those reserved to the Board of Governors under this Agreement.

Done at Washington, in a single copy which shall remain deposited in the archives of the International Bank for Reconstruction and Development, which has indicated by its signature below its agreement to act as depository of this Agreement and to notify all governments whose names are set forth in Schedule A of the date when this Agreement shall enter into force under Article IX, Section 1 hereof.

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SCHEDULE A

SUBSCRIPTIONS TO CAPITAL STOCK OF THE INTERNATIONAL FINANCE CORPORATION

Country	*Number of Shares*	*Amount (in United States dollars)*
Australia	2,215	2,215,000
Austria	554	554,000
Belgium	2,492	2,492,000
Bolivia	78	78,000
Brazil	1,163	1,163,000
Burma	166	166,000
Canada	3,600	3,600,000
Ceylon	166	166,000
Chile	388	388,000
China	6,646	6,646,000
Colombia	388	388,000
Costa Rica	22	22,000
Cuba	388	388,000
Denmark	753	753,000
Dominican Republic	22	22,000
Ecuador	35	35,000
Egypt	590	590,000
El Salvador	11	11,000
Ethiopia	33	33,000
Finland	421	421,000
France	5,815	5,815,000
Germany	3,655	3,655,000
Greece	277	277,000
Guatemala	22	22,000
Haiti	22	22,000
Honduras	11	11,000
Iceland	11	11,000
India	4,431	4,431,000
Indonesia	1,218	1,218,000
Iran	372	372,000
Iraq	67	67,000
Israel	50	50,000
Italy	1,994	1,994,000
Japan	2,769	2,769,000
Jordan	33	33,000
Lebanon	50	50,000
Luxembourg	111	111,000
Mexico	720	720,000
Netherlands	3,046	3,046,000
Nicaragua	9	9,000
Norway	554	554,000
Pakistan	1,108	1,108,000
Panama	2	2,000
Paraguay	16	16,000
Peru	194	194,000
Philippines	166	166,000
Sweden	1,108	1,108,000
Syria	72	72,000
Thailand	139	139,000
Turkey	476	476,000
Union of South Africa	1,108	1,108,000
United Kingdom	14,400	14,400,000
United States	35,168	35,168,000
Uruguay	116	116,000
Venezuela	116	116,000
Yugoslavia	443	443,000
Total	100,000	$ 100,000,000

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CHAPTER 426

SAVINGS CERTIFICATES

Ordinances Nos. 7 of 1946, 61 of 1947, *Acts* Nos. 57 of 1949, 19 of 1951.

AN ORDINANCE TO MAKE BETTER PROVISION FOR THE ISSUE OF CEYLON SAVINGS CERTIFICATES AND TO REVISE AND CONSOLIDATE THE LAW RELATING THERETO.

[*Section 21—12th October, 1946.*]

[*Sections 2 to 19, and 22—19th October, 1946.*]

[*Section 20—3rd July, 1947.*]

Short title.

1. This Ordinance may be cited as the Savings Certificates Ordinance.

Authority to borrow money by the issue of savings certificates.

2. The House of Representatives [1] may by resolution authorize sums of money, not exceeding such amount as may be specified in the resolution, to be borrowed within Ceylon by the issue of Ceylon savings certificates under this Ordinance.

Authority to issue savings certificates.

3. (1) After the publication in the Gazette of a resolution under section 2, the Minister[1] may, from time to time, direct the Postmaster-General to borrow sums of money not exceeding in the aggregate the amount specified in the resolution, by the issue of savings certificates under this Ordinance.

(2) The Postmaster-General may also, when so directed by the Minister,[1] borrow by the issue of savings certificates under this Ordinance such sums of money as may from time to time be required for the purpose of meeting current demands for the surrender values of savings certificates issued or deemed to have been issued under this Ordinance.

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Notification of purchase price, surrender value, &c.

4. Where the Minister [1] has directed the Postmaster-General to borrow any sum of money by the issue of savings certificates under this Ordinance, the Secretary to the Treasury [1] shall by notification published in the Gazette specify—

(*a*) the denomination or denominations of the savings certificates which are to be issued; and

(*b*) the purchase price and the surrender value of a certificate of each such denomination.

Persons to whom savings certificates may be issued.

5. (1) Savings certificates may be issued in accordance with such regulations as may be made in that behalf, to—

(*a*) an individual;

(*b*) a co-operative society;

(*c*) a central co-operative bank;

(*d*) a society or association which, in the opinion of the Postmaster-General, is a thrift, benefit, benevolent or provident society or association;

(*e*) an approved savings group;

(*f*) any person or body of persons on behalf of any place of religious worship, or on behalf of any institution or association which is maintained for educational or cultural or recreational or charitable purposes and is of a prescribed class or description; or [§ 2, 57 of 1949.]

(*g*) any other prescribed body of persons.

(2) The decision of the Postmaster-General as to whether any society or association is a thrift, benefit, benevolent or provident society or association, as the case may be, shall be final and conclusive.

Special provisions relating to the issue of savings certificates to individuals.

6. No savings certificate shall be issued to any individual unless he is resident in Ceylon on the date of the issue of such certificate:

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Provided that a savings certificate may, in accordance with such regulations as may be made in that behalf, be issued—

(*a*) to a minor who is resident outside Ceylon if the parent, guardian, curator or trustee of that minor is resident in Ceylon on the date of the issue of such certificate ; or

(*b*) to a person who is not a minor and is resident outside Ceylon, in such circumstances and subject to such conditions as may be prescribed by the aforesaid regulations.

Limit of holdings.

7. (1) The aggregate of the denominational value of all savings certificates held at any time by any person or body of persons shall not exceed such limit as may be prescribed ; and no savings certificate shall at any time be issued so as to increase the holding of any such person or body of persons beyond the limit so prescribed.

(2) The power to make regulations prescribing the limits referred to in subsection (1) shall be deemed to include power to prescribe different limits for different classes of persons or for different classes of savings certificates.

Transfer, hypothecation, &c., of savings certificates to be null and void.

8. The right, title and interest of the purchaser of a savings certificate shall not be assigned, donated, hypothecated, sold, transferred or otherwise disposed of by the purchaser in any manner whatsoever ; and any such assignment, donation, hypothecation, sale, transfer or disposition shall not be recognized by the Postmaster-General or by the Government and shall for all purposes be null and void:

Provided that the preceding provisions of this section shall not affect or be deemed to affect—

(*a*) the right of the Postmaster-General, in accordance with such regulations as may be made in that behalf, to issue a new savings certificate in any case where the purchaser of a savings certificate desires to gift his rights thereunder ; or

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[§ 2, 19 of 1951.]

(*b*) the right of the purchaser of any savings certificate to assign such certificate by way of security for the payment of moneys which may be or become due to the Government or to any local authority, or as security for the purposes of section 2 of the Public Officers (Security) Ordinance ; or

(*c*) the right of the purchaser of a savings certificate of such class or description as may be declared by regulation to be assignable, to assign any certificate of such class or description in the prescribed manner to any person.

Issue of new savings certificate or payment of surrender value on death of purchaser.

9. (1) Regulations may be made providing, in the event of the death of the purchaser of a savings certificate—

(*a*) for the issue of a new savings certificate to any person proved to the satisfaction of the Postmaster-General to be an heir or legatee of the deceased purchaser, or

(*b*) for the payment, to the executor of the last will of the deceased purchaser or to the administrator of his estate or to any heir, of a sum equivalent to the surrender value of that savings certificate.

(2) Any new savings certificate issued and any payment made under this section by the Postmaster-General shall be and shall operate for all purposes as a complete discharge of the obligations of the Government and of the Postmaster-General in respect of any savings certificate issued to the deceased purchaser or of any money payable on the surrender of that certificate.

(3) Nothing in this Ordinance or in any regulation made thereunder shall affect or be deemed to affect the right of the Commissioner of Estate Duty, under any law for the time being in force, to receive from the Postmaster-General the surrender value, at the time of the death of any deceased purchaser, of any savings certificate forming part of the estate of such purchaser.

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Seizure or sequestration of savings certificate.

10. (1) Where any savings certificate is seized or sequestered in execution of a decree or order of any court, the Fiscal effecting the seizure or sequestration shall forward the savings certificate to the Postmaster-General who shall cancel such certificate and pay the surrender value thereof as on the date of seizure or sequestration to the credit of the action in which that decree was entered or order made.

(2) Where the Fiscal, in the execution of a decree or order entered or made against any person who is the purchaser of a savings certificate or in sequestering the property of any such person under a mandate of sequestration issued by any court, is unable for any reason to obtain possession of the savings certificate, the amount of the surrender value of that certificate shall be deemed to be a debt not secured by a negotiable instrument due from the Postmaster-General as debtor to the purchaser as creditor ; and the provisions of section 229 of the Civil Procedure Code shall apply accordingly:

Provided that the Postmaster-General or the Government shall not incur any liability or be subject to any penalty by reason only of the fact that the surrender value of any savings certificate is paid to the purchaser thereof after the service of a prohibitory notice under section 229 of the Civil Procedure Code, if such payment was bona fide made by any person on behalf of the Postmaster-General by error or by accident or in ignorance of the fact of the service of such prohibitory notice.

Surrender of savings certificates.

11. (1) On the surrender of a savings certificate (other than a savings certificate in respect of which a prohibitory notice has been served on the Postmaster-General under section 229 of the Civil Procedure Code) in the prescribed manner and at a prescribed place, the purchaser shall be entitled to receive the surrender value of that certificate at the time of such surrender :

Provided that where a savings certificate is issued on the condition, to be set out on the face of that certificate, that it is not to be surrendered before such period as may be specified thereon, the purchaser of

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that certificate shall not be entitled to surrender that certificate or to receive the surrender value of that certificate before the expiry of that period.

(2) Where, for the purposes of this section, any place outside Ceylon is prescribed as a place at which savings certificates may be surrendered, the Postmaster-General may make and he is hereby authorized to make such arrangements as may be necessary to enable savings certificates to be surrendered at that place.

Surrender values of savings certificates to be a charge on the Consolidated Fund.

12. The surrender values of savings certificates lawfully issued or deemed to be issued under this Ordinance are hereby charged upon, and shall be payable out of, the Consolidated Fund[1] and assets of Ceylon.

Exemption from stamp duty.

13. Any receipt given in respect of the payment of the surrender value of a savings certificate, any power of attorney or other document which relates solely to the payment or receipt of such surrender value, and any document or instrument whatsoever made or executed under the provisions of this Ordinance or of any regulation shall be free from stamp duty, anything in any other written law to the contrary notwithstanding.

Government not affected by notice of trust.

14. No notice of any trust in respect of a savings certificate shall be receivable by the Postmaster-General or by the Government of Ceylon.

Offences.

15. (1) Every purchaser who knowingly obtains or attempts to obtain the surrender value of any savings certificate in respect of which a prohibitory notice has been served on him under section 229 of the Civil Procedure Code, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and where any court convicts any person of the offence of having knowingly obtained the surrender value of any savings certificate under this subsection, the court shall, in addition to any other punishment which it

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may impose for that offence, order a sum equal to the amount of the surrender value so obtained to be recovered from that person as though it were a fine imposed by the court; and any such sum may be recovered notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose. Every such sum when recovered by the court, shall be remitted to the Postmaster-General and shall be paid by him into the Savings Certificates Fund established by section 16.

(2) Any person who is dissatisfied with any order made under subsection (1) may, if he appeals against the conviction in consequence of which the order was made, appeal against the order to the Supreme Court and the provisions of sections 338 to 352 of the Criminal Procedure Code shall apply to such appeal.

The Savings Certificates Fund.

16. (1) A fund to be called the Savings Certificates Fund is hereby established for the purposes of this Ordinance.

(2) All moneys received by the Postmaster-General on the issue of savings certificates shall be paid by him from time to time into the fund:

Provided that, out of moneys received by him as aforesaid, the Postmaster-General may, subject to such directions as may be given to him in that behalf by the trustees, retain in his custody such sums as may be immediately required for the purpose of meeting current demands for the surrender values of savings certificates already issued, and make all such payments as may be necessary to meet such demands.

(3) All moneys standing, on the day immediately preceding the 19th day of October, 1946, to the credit of the Savings Certificates Fund established under section 24 of the Savings Certificates Ordinance, No. 11 of 1938, * shall, on that date, be paid into the fund established by subsection (1) of this section.

* Repealed by Ordinance No. 7 of 1946.

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Trustees of the fund.

17. The Secretary to the Treasury and such other public officer as may be nominated by the Minister of Finance [1] shall be the trustees of the fund and shall have the control and charge thereof.

Application of the fund.

18. (1) The trustees shall retain in their name, either with the Deputy Secretary to the Treasury [1] or in such bank or banks as they may think fit, such portion of the fund as may in their opinion be required for the purpose of meeting current demands for the surrender values of savings certificates already issued, and shall from time to time issue to the Postmaster-General at his request such sums as may be necessary for that purpose.

(2) Out of the balance of the fund, a sum not exceeding one-third of the fund may, with the approval of the Minister of Finance, [1] be invested by the trustees in loans granted from time to time to the Government ; and the Deputy Secretary to the Treasury [1] is hereby authorized to borrow such sum on behalf of the Government and to act for the Government for the purposes of any such loan.

(3) Out of such part of the balance of the fund as may not be immediately required for the purposes of subsection (2), the trustees may from time to time grant loans of such amounts as may be approved by the Minister of Finance [1] to the Local Loans and Development Commissioners for the purposes of the Local Loans and Development Ordinance.

(4) The terms as to repayment and interest and the other conditions on which any loan is granted under subsection (2) or subsection (3) shall be such as may be approved by the Minister of Finance [1] either generally or in the special circumstances of any particular case.

(5) Such part of the fund as may not be immediately required for the purposes of subsections (1), (2) and (3) may—

(*a*) be invested by the trustees—

(i) in stock, bonds or debentures issued by the Ceylon State Mortgage Bank or by any land or mortgage bank over which the

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Governor-General or a Minister [3] exercises control, or by any central bank established under the Co-operative Societies Ordinance ; or

(ii) on any security, other than a mortgage of immovable property, on which a trustee is authorized by section 20 of the Trusts Ordinance, to invest trust moneys ; or

(*b*) be deposited for fixed periods not exceeding one year in any bank in Ceylon approved by the Minister of Finance. [1]

(6) Every loan granted under this section to the Local Loans and Development Commissioners shall be deemed to be a sum appropriated to the Local Loans and Development Fund by enactment, and shall, together with the interest due thereon, be repaid out of that fund.

(7) During the continuance of any war in which Her Majesty may be engaged, such part of the fund as may not be immediately required for the purposes of subsection (1) may, notwithstanding anything in the preceding provisions of this section, be invested by the trustees in any loan raised by the Government of Ceylon for the purposes of that war.

Annual statement of accounts.

19. (1) As soon as possible after the thirtieth day of September in each year, the trustees shall furnish to the Auditor-General a statement of accounts showing—

(*a*) all sums paid into the fund under section 16 or issued therefrom to the Postmaster-General under section 18 (1) during the period of twelve months immediately preceding that date ;

(*b*) the income of the fund derived from interest earned on loans, investments or deposits made under section 18 during that period ;

(*c*) the liabilities and assets of the fund on that date ; and

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(*d*) such other information as may be necessary to set forth the financial results of that period.

(2) Every statement furnished under subsection (1) shall be published in the Gazette with a certificate by the Auditor-General as to its accuracy and completeness.

Savings stamps. [§ 2, 61 of 1947.]

20. (1) For the purposes of this Ordinance the Commissioner of Stamps may, with the consent of the Minister of Finance,[1] provide special stamps (hereinafter referred to as "savings stamps") of such values as the Minister of Finance [1] may determine.

(2) Regulations may be made providing that payments on account of the purchase price of savings certificates of prescribed denominational values may be made by means of savings stamps affixed to books or cards or otherwise in the prescribed manner.

(3) The provisions of sections 248 to 256, both inclusive, of the Penal Code shall apply to savings stamps in like manner as those provisions apply to stamps issued by the Government for the purpose of revenue.

Regulations.

21. (1) The Minister [1] may make all such regulations as may be necessary for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of the powers conferred by subsection (1), the Minister [1] may make regulations for or in respect of all or any of the following matters:—

(*a*) all matters stated or required by this Ordinance to be prescribed, and all matters for which regulations are authorized by this Ordinance to be made;

(*b*) the terms, conditions and restrictions subject to which savings stamps and savings certificates may be issued; [§ 3, 61 of 1947.]

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(*c*) the issue and surrender of savings certificates, the persons by whom such certificates may be issued, the places at which such certificates may be issued and surrendered, and the procedure to be adopted in connexion with such issue and surrender ;

(*d*) the circumstances in which, and the terms, conditions and restrictions subject to which substitute certificates or new certificates may be issued, the fees to be charged for the issue of such certificates, and the procedure to be adopted in connexion with the issue and surrender of such certificates ;

(*e*) the cancellation of savings certificates which have been issued in error or in place of which substitute certificates or new certificates have been issued, the repayment of the purchase price or the surrender value of certificates issued in error, and the circumstances in which the purchase price of certificates issued in error may be forfeited ;

(*f*) the circumstances in which a savings certificate issued to an approved savings group may be surrendered before such certificate is acquired by a member of that group, and the steps to be taken and the procedure to be followed when a member of an approved savings group acquires a savings certificate issued to that group ; and the procedure for disposal and the manner of disposal of the surrender value of any savings certificate issued to an approved savings group, in any case where the Postmaster-General is of opinion that the savings group has ceased to exist or that the objects for which the group was formed are no longer being carried out ;

[§ 3, 57 of 1949.]

[§ 3, 19 of 1951.]

(*g*) the mode of assignment of savings certificates in cases referred to in paragraph (*b*) of the proviso to section 8, and the steps to be taken and the procedure to be followed upon such assignment or upon surrender of any certificate so assigned ;

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(*h*) the denominational value of savings certificates which may be assigned by the purchaser thereof, the persons to whom such certificates may be assigned by the purchaser, and the steps to be taken and the procedure to be followed upon the issue, assignment or surrender of any such certificate;

(*i*) the procedure to be followed where the loss, theft or destruction of a savings certificate takes place or is discovered after the death of the purchaser thereof; the persons to whom and the circumstances in which a new certificate will be issued in such a case; and the mode of payment of the surrender value of any certificate so lost, stolen or destroyed;

(*j*) the payment of the surrender value of a savings certificate where the purchaser thereof is of unsound mind;

(*k*) the settlement in a summary manner of disputes between the Postmaster-General and the purchaser of a savings certificate or a person claiming to be entitled to a savings certificate;

(*l*) all other matters connected with or incidental to the matters herein before enumerated.

(3) Every regulation made by the Minister [1] under this Ordinance shall be published in the Gazette and shall come into operation on such date as may be specified in the regulation or, if no such date is so specified, on the date of such publication.

(4) Every regulation made by the Minister [1] shall be brought before the Senate and the House of Representatives [1] as soon as may be after the publication thereof by a motion that such regulation shall be approved.

(5) Any regulation which the Senate or the House of Representatives [1] refuses to approve shall be deemed to be rescinded, but without prejudice to the validity of anything previously done thereunder or to the

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making of any new regulation. The date on which a regulation shall be deemed to be so rescinded shall be the date on which the Senate or the House of Representatives [1] refuses to approve the regulation.

(6) Notification of the date on which any regulation made by the Minister [1] is deemed to be so rescinded shall be published in the Gazette.

(7) Any regulation made by the Minister [1] shall, when approved by the Senate and the House of Representatives, [1] be as valid and effectual as if it were herein enacted. Notification of such approval shall be published in the Gazette.

Interpretation.

22. In this Ordinance, unless the context otherwise requires—

[§ 4, 57 of 1949.]

"approved savings group" means any body of persons declared in writing by the Minister or by an officer authorized in that behalf by the Minister to be an approved savings group for the purposes of this Ordinance and any regulations made thereunder;

"certificate" or "savings certificate" means a certificate which is issued or deemed to be issued under this Ordinance by the Postmaster-General on behalf of the Government to any person on payment of the purchase price on the condition that such person, by virtue of the said payment, becomes entitled, on surrender of that certificate, to receive its surrender value at the time of such surrender;

"fund" means the Savings Certificates Fund established by section 16;

[§ 4, 19 of 1951.]

"local authority" means any Municipal Council, Urban Council or Town Council;

"Local Loans and Development Commissioners" means the board of commissioners appointed under section 2 of the Local Loans and Development Ordinance;

"prescribed" means prescribed by this Ordinance or by any regulation made thereunder;

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"purchase price", when used with reference to a savings certificate, means the sum of money paid or to be paid for that savings certificate at the time of the issue thereof;

"purchaser"—

(*a*) in the case of a savings certificate which is issued to an approved savings group and which has not been acquired by a member of that group, means the approved savings group to which that certificate is issued,

(*b*) in the case of a savings certificate which is issued to an approved savings group and which has been acquired by a member of that group, means the member who acquires that certificate from that group,

(*c*) in any other case, means the person or body of persons to whom a savings certificate is issued under this Ordinance;

"regulation" means a regulation made by the Minister[1] under this Ordinance;

"surrender value", when used with reference to a savings certificate, means the sum of money which at any given time the purchaser of that certificate is entitled to receive on the surrender thereof;

"trustees" means the trustees of the fund.

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CHAPTER 427

HOSPITALS LOTTERIES

Acts Nos. 4 of 1955, 26 of 1956.

AN ACT TO PROVIDE FOR THE PROCURING OF MONEY FOR THE NATIONAL HEALTH SERVICES BY MEANS OF LOTTERIES, FOR THE CONSTITUTION OF A BOARD TO CONDUCT SUCH LOTTERIES, AND FOR THE ESTABLISHMENT OF THE HOSPITALS FUND CONSISTING OF THE NET PROCEEDS OF SUCH LOTTERIES.

[*18th February, 1955.*]

Short title.

1. This Act may be cited as the Hospitals Lotteries Act.

PART I

HOSPITALS LOTTERIES BOARD

Hospitals Lotteries Board to be established.

2. (1) A board to be called the Hospitals Lotteries Board, hereinafter referred to as "the board", shall be established for the purposes of this Act.

[§ 2, 26 of 1956.]

(2) The board shall be a body corporate having perpetual succession and a common seal and may by its name sue and be sued.

Constitution of the board.

3. (1) The board shall consist of not more than seven members appointed by the Minister two of whom shall be persons nominated for the purpose by the Minister of Finance.

(2) The Minister shall appoint one of the members of the board to be the chairman of the board.

(3) The Minister may, if he thinks it expedient to do so, remove, by Order published in the Gazette, any member of the board from office without reason stated:

Provided, however, that no member of the board who was nominated for appointment as a member by the Minister of Finance shall be removed from office except with the concurrence of the Minister of Finance.

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(4) A member of the board in respect of whom an Order under subsection (3) of this section is made by the Minister shall vacate his office on the date of the publication of such Order in the Gazette.

(5) A member of the board who has been removed from office shall not be eligible for reappointment as a member of the board.

(6) A member of the board may at any time resign his office by letter addressed to the Minister.

(7) If the chairman or any other member of the board is temporarily unable to discharge the duties of his office on account of ill health or absence from Ceylon or any other cause, the Minister may appoint some other person to act in his place as the chairman or as a member of the board, as the case may be.

(8) Every member of the board shall, unless he earlier vacates office by resignation or removal, hold office for a period of five years. Any member of the board who vacates office by effluxion of time shall be eligible for reappointment.

(9) No act or proceeding of the board shall be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of any of its members.

Remuneration of members of the board.

4. The members of the board may be remunerated in such manner and at such rates as may be determined by the Minister with the concurrence of the Minister of Finance. The remuneration, if any, shall be paid out of the fund of the board.

Appointment of officers and servants.

5. (1) The staff necessary for the discharge of the board's duties under this Act shall be determined by the board with the approval of the Minister of Finance, and every appointment to such staff shall be made by the board.

(2) The officers and servants of the board shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service as may be determined by rules made under section 11. Such remuneration shall be paid out of the fund of the board.

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(3) The board may, in accordance with rules made under section 11, establish and maintain a provident fund for the benefit of its officers and servants, make contributions out of its fund to such provident fund, regulate the management and investment thereof, and fix the contributions to be made thereto by, and the payments to be made therefrom to, or in respect of, such officers and servants.

Property, contracts and expenditure of the board. [§ 3, 26 of 1956.]

6. (1) The board may acquire, hold and dispose of any movable or immovable property, and enter into contracts and otherwise do all such acts as may be necessary for the purpose of carrying out the provisions of this Act.

(2) All sums payable by the board under any contract entered into by the board or in respect of any movable or immovable property acquired or held by the board shall be paid out of the fund of the board. All sums received by the board under any such contract or in respect of any such property shall be paid to the fund of the board.

(3) All sums payable by the board for the purpose of defraying any expenditure incurred in the management of the affairs or the transaction of the business of the board, or the exercise of the powers or the performance of the duties of the board under this Act shall be paid out of the fund of the board.

Board to be subject to directions of Minister.

7. In the exercise of its powers and the discharge of its duties under this Act, the board shall be subject to the general or special directions of the Minister.

Fund of the board.

8. (1) The board shall have its own fund.

(2) There shall be paid to the fund of the board all sums required by this Act to be so paid.

(3) There shall be paid out of the fund of the board all sums required by this Act to be so paid.

(4) All cheques for the payment of moneys out of the fund of the board shall be signed by a member of the board and by any such officer employed by the board as may be authorized in that behalf by the board.

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Power of Minister of Finance to grant a loan to the board.

9. (1) The Minister of Finance may, under the authority of a resolution of the House of Representatives, grant out of the Consolidated Fund to the board, free of interest, a loan not exceeding such sum as may be specified in the resolution for the purpose of enabling the board to meet the initial expenses incurred by the board in the discharge of its duties under this Act.

(2) Any sum granted to the board by way of loan under subsection (1) of this section—

(*a*) shall be paid to the fund of the board, and

(*b*) shall be repaid by the board to the Consolidated Fund out of the fund of the board in such manner as the Minister of Finance may from time to time direct.

Accounts of the fund of the board.

10. The accounts of the fund of the board shall—

(*a*) be kept in the prescribed manner,

(*b*) be audited annually by, or under the direction of, the Auditor-General, and

(*c*) in respect of each financial year, be laid, together with the report of the Auditor-General thereon, before the Senate and the House of Representatives.

Power of the board to make rules.

11. (1) The board may make rules in respect of all or any of the following matters :—

(*a*) any matter in respect of which rules are required or authorized by this Act to be made;

(*b*) the custody and use of its seal ; [§ 4, 26 of 1956.]

(*c*) the appointment, promotion, dismissal and disciplinary control of its officers and servants ; and

(*d*) the meetings of the board and the quorum for, and the procedure to be followed at, such meetings.

(2) No rule made under subsection (1) of this section shall have effect until it has been approved by the Minister.

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(3) The Minister shall not, without the concurrence of the Minister of Finance, approve of any rule made by the board for the purposes of subsection (2) or subsection (3) of section 5 or in respect of any matter referred to in paragraph (*c*) of subsection (1) of this section.

Protection for action taken under this Act or on the direction of the board.
[§ 5, 26 of 1956.]

12. (1) No suit or prosecution shall lie—

(*a*) against the board for any act which in good faith is done or purported to be done by the board under this Act, or

(*b*) against any member, officer, servant or agent of the board for any act which in good faith is done or purported to be done by him under this Act or on the direction of the board.

(2) Any expense incurred by the board in any suit or prosecution brought by or against the board before any court shall be paid out of the fund of the board, and any costs paid to, or recovered by, the board in any such suit shall be credited to such fund.

(3) Any expense incurred by any such person as is referred to in paragraph (*b*) of subsection (1) in any suit or prosecution brought against him before any court in respect of any act done or purported to be done by him under this Act or on the direction of the board shall, if the court holds that such act was so done or purported to be done in good faith, be paid out of the fund of the board, unless that expense is recovered by him in such suit or prosecution.

PART II

Hospitals Lotteries

The board to conduct hospitals lotteries.

13. (1) The board shall conduct lotteries for the purposes of this Act. Every such lottery is in this Act referred to as a "hospitals lottery".

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(2) There shall be such number of hospitals lotteries in each year as may be prescribed. Every hospitals lottery shall be conducted by the board in accordance with the provisions of this Act and of any regulations made thereunder.

Hospitals lotteries not to be in connexion with horse-races.

14. No hospitals lottery shall be conducted in connexion with any horse-race or any other form of racing.

Prizes in hospitals lotteries.

15. (1) The number of the prizes to be awarded in each hospitals lottery and the value of each of such prizes shall be as prescribed.

(2) Every prize awarded in a hospitals lottery shall consist of a sum of money.

(3) The prize winners in every hospitals lottery shall be determined by the drawing of lots in public in the prescribed manner.

(4) After the expiration of a period of six months reckoned from the date of the drawing of lots for the prizes in any hospitals lottery, any prize in such lottery which has not been granted to the person entitled thereto by reason of the fact that such person is not to be found shall be forfeited and paid to the fund of the board:

Provided, however, that where any action or proceeding arising out of any claim made in respect of such prize is pending before any court at the expiration of the period aforesaid, such forfeiture shall not be made, and if in the final determination of that action or proceeding any person is declared to be entitled to such prize, the board shall grant such prize to that person, and if no person is so declared, such prize shall be forfeited and paid to the fund of the board.

Proceeds of hospitals lotteries.

16. (1) The proceeds of every hospitals lottery shall be paid to the fund of the board.

(2) The board shall pay to the Hospitals Fund established under this Act the balance of the proceeds of every hospitals lottery after the deduction from such

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proceeds of an amount approved by the Minister with the concurrence of the Minister of Finance as the amount necessary for the purpose of—

(*a*) defraying, or reimbursing the fund of the board for the payment of, the expenses of conducting such lottery including the value of the prizes awarded in such lottery,

(*b*) paying the whole or a part of the remuneration, if any, of the members of the board and the remuneration of the staff of the board,

(*c*) paying the whole or a part of any contributions payable by the board to any such provident fund as is referred to in subsection (3) of section 5, and

(*d*) repaying the whole or a part of any loan granted to the board under section 9.

Exemption from tax on income or profits from hospitals lotteries.

17. The board shall be exempt from the payment of any tax on the income or profits from any hospitals lottery.

Lotteries Ordinance not to apply to hospitals lotteries.

18. The Lotteries Ordinance shall not apply to or in relation to any hospitals lottery.

Regulations.

19. (1) The Minister may make regulations in respect of matters stated or authorized by this Act to be prescribed and of other matters relating to hospitals lotteries.

(2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, regulations made under this section may make provision in respect of all or any of the following matters:—

(*a*) the price at which tickets in every hospitals lottery are to be sold ;

(*b*) the particulars to be stated on every such ticket ;

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(*c*) the manner in which tickets in every such lottery are to be sold or offered for sale ;

(*d*) the employment of agents for the sale of such tickets and the remuneration payable to such agents ; and

(*e*) the publication of the number of each winning ticket in every such lottery and of the name and address of the person entitled to such ticket.

(3) No regulation made by the Minister under this section shall have effect until it has been approved by the Senate and the House of Representatives and published in the Gazette.

PART III

Hospitals Fund

Hospitals Fund to be established.

20. (1) A fund to be called the Hospitals Fund shall be established and maintained at the General Treasury.

(2) The Hospitals Fund shall consist of the sums of money required by subsection (2) of section 16 to be paid to that fund.

Object of the Hospitals Fund.

21. The object of the Hospitals Fund shall be to provide money for purposes connected with the national health services.

Administration and accounts of the Hospitals Fund.

22. (1) The Deputy Secretary to the Treasury shall administer the Hospitals Fund.

(2) The accounts of the Hospitals Fund shall be audited annually by, or under the direction of, the Auditor-General, and shall, in respect of each financial year, be laid, together with the report of the Auditor-General thereon, before the Senate and the House of Representatives.

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Grants from the Hospitals Fund.

23. The Minister may, under the authority of a resolution of the House of Representatives, from time to time direct in writing the Deputy Secretary to the Treasury to make out of the Hospitals Fund a grant of such amount as shall be specified in the direction for any such purpose connected with the national health services as shall be so specified; and it shall be the duty of the Deputy Secretary to the Treasury to comply with such direction.

PART IV

Offences And Interpretation

Offences.

24. (1) Every person who—

(*a*) sells or offers for sale any ticket for the purposes of any hospitals lottery at a price exceeding the price specified for such ticket by regulation made under this Act, or

(*b*) forges any ticket for the purposes of any such lottery, or

(*c*) sells or offers for sale any ticket for the purposes of any such lottery knowing it to be forged,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(2) All sums paid or recovered as fines imposed for offences under this section shall be paid to the fund of the board.

Offences to be cognizable offences.

25. All offences under this Act shall be cognizable offences within the meaning and for the purposes of the Criminal Procedure Code.

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Interpretation.

26. In this Act, unless the context otherwise requires—

"financial year" means the period commencing on the first day of October in any year and ending on the thirtieth day of September in the next succeeding year;

"General Treasury" means the department of Government known as the General Treasury;

"national health service" means any institution or service maintained or provided by the Government for the cure or prevention of disease, for medical research, or for any other purpose connected with the care of the health of the people; and the expression "national health services" shall be construed accordingly; and

"prescribed" means prescribed by regulation made under this Act.

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CHAPTER 428

TRUSTEE INVESTMENTS

Ordinance No. 20 of 1901, *Act* No. 51 of 1954.

AN ORDINANCE TO FACILITATE THE INVESTMENT OF TRUST AND OTHER FUNDS IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND IN CEYLON GOVERNMENT SECURITIES.

[*27th November, 1901.*]

Preamble.

Whereas by an Act of the Parliament of the United Kingdom known as "The Colonial Stock Act, 1900", the securities in which a trustee may invest under the powers of the Act of that Parliament known as "The Trustee Act, 1893", are declared to include any colonial stock which is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, and with respect to which there have been observed such conditions (if any) as the Lords Commissioners of the Treasury of the United Kingdom may, by order notified in the *London Gazette*, prescribe :

And whereas the said Lords Commissioners of the Treasury of the United Kingdom have, by an order dated 6th December, 1900, prescribed as two of the said conditions that a colony shall provide by legislation for the payment, out of the revenue of the colony, of any sums which may become payable to stockholders under any judgment, decree, rule, or order of a court in the United Kingdom, and that the colonial Government should place on record a formal expression of their opinion that any colonial legislation which appears to the Imperial Government to alter any of the provisions affecting the stock to the injury of the stockholder, or to involve a departure from the original contract in regard to the stock, would properly be disallowed :

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And whereas it is expedient that provision should be made to enable advantage to be taken of the said Acts in respect of investment of trust funds in Ceylon Government securities:

Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as the Trustee Investment (in Ceylon Government Securities) Ordinance.

Application of Ordinance.

2. This Ordinance shall apply to all securities heretofore or hereafter created or issued on behalf of the Government of Ceylon to which for the time being the Colonial Stock Acts apply, and which are for the time being registered in the United Kingdom in accordance with the provisions of those Acts, each and all of which securities are hereinafter referred to as "Ceylon Government securities".

Provisions for payment of money due to stockholders.

3. (1) Whenever by the final judgment, decree, rule, or order of any court of competent jurisdiction in the United Kingdom any sum of money is adjudged or declared to be payable by the Government of Ceylon in respect of any Ceylon Government securities, the Government shall forthwith pay that sum out of the funds in the hands of the Crown Agents belonging to the Government without further appropriation than this Ordinance.

(2) For the purposes of this section "final judgment, decree, rule, or order" means in case of appeal the final judgment, decree, rule, or order of the ultimate court hearing the appeal.

Certificate by Crown Agents.

4. In order to enable every such payment to be duly made a certificate under the hands of the Crown Agents, specifying the sum so paid under order of any such court, shall be sufficient authority to the Auditor-General or other officer having the auditing of their accounts for passing such sum without further appropriation.

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Any enactment affecting injuriously holders of Government securities to be disallowed.

5. If at any time hereafter an enactment is passed which appears to the Government of the United Kingdom to alter any of the provisions affecting the Government securities to the injury of the holder thereof, or to involve a departure from the original contract in regard to those securities, that enactment will properly be disallowed.

Interpretation.

6. In this Ordinance—

[§ 2, 51 of 1954.]

" Crown Agents " means the person or persons for the time being acting as Crown Agents for Oversea Governments and Administrations in England, or any one of them ;

(40 & 41 Vict. c. 59.), (55 & 56 Vict. c. 35.), (63 & 64 Vict. c. 62.)

" Colonial Stock Acts " means the Acts of the Parliament of the United Kingdom known as " The Colonial Stock Acts, 1877 to 1900 ".

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CHAPTER 429

CROWN AGENTS (CHANGE OF DESIGNATION)

AN ACT TO MAKE SUCH AMENDMENTS IN WRITTEN LAW AND SUCH PROVISIONS AS ARE CONSEQUENTIAL TO THE CHANGE OF DESIGNATION OF THE CROWN AGENTS FOR THE COLONIES.

Act No. 51 of 1954.

[*1st April, 1954.*]

1. This Act may be cited as the Crown Agents (Change of Designation) Act.

Short title.

2. Wherever in any provision of any written law, or of any notice, communication, form, or other document issued, made, required or authorized by or under any written law, the expression "Crown Agents for the Colonies" occurs, there shall be substituted, for that expression, the expression "Crown Agents for Oversea Governments and Administrations", and accordingly wherever in any such provision the abbreviation "Crown Agents" is used to denote the Crown Agents for the Colonies, such abbreviation shall be read and construed as a reference to the Crown Agents for Oversea Governments and Administrations.

Amendments in written law and documents consequential to the change of designation of the Crown Agents for the Colonies.

3. Every contract made prior to the date of commencement of this Act between the Government of Ceylon and the Crown Agents for the Colonies shall be deemed on and after that date to be and to have been made between the Government of Ceylon and the Crown Agents for Oversea Governments and Administrations.

Savings for contracts.

4. This Act shall be deemed to have come into force on the 1st day of April, 1954.

Retrospective effect of this Act.

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CHAPTER 430

CRIMINAL LUNATICS

Ordinance No. 10 of 1889.

AN ORDINANCE RELATING TO THE EXPENSES ATTENDANT UPON THE CONVICTION, OR THE ACQUITTAL ON THE GROUND OF INSANITY, OF CEYLONESE AND PERSONS RESIDENT IN CEYLON, IN A FOREIGN COUNTRY UNDER THE FOREIGN JURISDICTION ACTS.

[*8th October, 1889.*]

Short title.

1. This Ordinance may be cited as the Criminal Lunatics (Expenses of Removal) Ordinance.

The expenses attending conviction, or acquittal on the ground of insanity, of residents of Ceylon by courts exercising jurisdiction in foreign countries under the Foreign Jurisdiction Acts to be paid out of Consolidated Fund.

2. If a person who is a native of, or ordinarily resident in, Ceylon commits an offence in a foreign country in which Her Majesty exercises jurisdiction over British subjects, and is either convicted, or is acquitted on the ground of insanity, by a competent court acting under the Foreign Jurisdiction Acts of the United Kingdom in such country, the expenses of his removal to the place in which he is to undergo his sentence or be confined as a criminal lunatic, and of his maintenance during his imprisonment or confinement, as the case may be, and any other expenses incident to his conviction, or to his acquittal on the ground of insanity, shall, as far as such expenses cannot be met out of the effects of such person under order of the court before which his trial takes place, be borne by the Government of Ceylon and paid out of the Consolidated Fund[1] thereof.

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CHAPTER 431

WIDOWS' AND ORPHANS' PENSION FUND

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW PROVIDING FOR THE GRANTING OF PENSIONS TO WIDOWS AND ORPHANS OF DECEASED PUBLIC OFFICERS OF CEYLON.

Ordinances
Nos. 1 of 1898,
3 of 1900,
13 of 1906,
10 of 1907,
15 of 1910,
16 of 1911,
4 of 1915,
3 of 1924,
3 of 1926,
11 of 1947,

Acts
Nos. 8 of 1948,
33 of 1953,
45 of 1954.

[*2nd June, 1898.*]

1. This Ordinance may be cited as the Widows' and Orphans' Pension Fund Ordinance. **Short title.**

2. The following words and expressions when used in this Ordinance shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction :— **Interpretation.**

"appointed date" shall mean the date* prescribed by the Governor to be the appointed date for the purpose of this Ordinance by Proclamation published in the Gazette, the power to prescribe such date being deemed to include the power to prescribe, if necessary, a date prior to the date of publication of the Proclamation ; [§ 2, 11 of 1947.]

"directors" shall mean the directors appointed under section 5 of this Ordinance ;

"maximum period of contribution", with reference to any contributor, shall mean the period commencing on the date on which he becomes a contributor and ending either on the date on which he completes thirty-five continuous [§ 2, 11 of 1947.]

* 1st July, 1947.—Gazette No. 9,720 of 20th June, 1947.

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years as such contributor or on the date on which while still a contributor he completes sixty-five years of age, whichever is the earlier ;

"public officer" shall mean and include—

(*a*) any person who at the time of the passing of this Ordinance is holding or has held any office in the public service of Ceylon, and is contributing in respect of his salary or pension to the fund established under the provisions of Ordinance No. 20 of 1885 ; *

[§ 2, 11 of 1947.] (*b*) any person who at the said time is holding, or who hereafter holds, or who on or after the appointed date holds on probation, any permanent office in the [§ 2, 8 of 1948.] service of Ceylon which has been declared to be pensionable by notification published in the Gazette ; and

[§ 2, 11 of 1947.] (*c*) any person who, having been a public officer as aforesaid, is in receipt of a pension from the Government of Ceylon in respect of his services as such officer ;

but shall not include any female officer ;

[§ 2, 11 of 1947.] "repayable contributions", with reference to a widower without pensionable children, shall mean the contributions which he has made under this Ordinance since the date when his wife or the last of his wives died, or the date when his child or the youngest of his children ceased to be pensionable, whichever is the later date ;

"salary" shall mean the remuneration paid to an officer in respect of any permanent office held by him in the service of Ceylon in respect of

* Repealed by Ordinance No. 21 of 1896.

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which office he may become entitled, under any regulations which are now or which may hereafter be in force, to a pension, but shall not include any fees accruing to any officer in respect of such office.

Fund how constituted.

3. There shall be carried to the fund created under Ordinances Nos. 20 of 1885 * and 21 of 1896, † and which shall continue to be styled "The Widows' and Orphans' Pension Fund" (hereinafter referred to as "the fund"), such sums as are hereinafter required to be contributed thereto, and such fund, together with the accretions of interest thereto, shall be applicable to the payment of the expenses of management thereof as hereinafter provided, and of pensions to the widows and orphans now chargeable to the same under and subject to the provisions of any repealed enactments, and to the widows and orphans of the public officers now or hereafter contributing to the same under and subject to the provisions hereinafter contained.

Money belonging to the fund to be invested with Government.

4. (1) All moneys belonging to the fund, whether arising from past or future contributions, fines, interest, or otherwise, shall be invested with the Government of Ceylon, and shall bear interest payable by the said Government during the continuance of the fund.

[§ 3, 11 of 1947.]

(2) Subject as hereinafter provided, such interest shall be at the rate of six *per centum* per annum, free from any deduction:

Provided that for the period commencing on the 1st day of January, 1920, and ending on the 31st day of December, 1944, such interest shall be at the rate of eight *per centum* per annum, free from any deduction.

(3) Such interest shall be made up on the thirty-first day of December in each year, and shall be calculated upon the mean monthly balance standing in

* Repealed by Ordinance No. 21 of 1896.
† Repealed by Ordinance No. 1 of 1898.

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the hands of the Deputy Secretary to the Treasury [1] of Ceylon to the credit of the fund during the course of the year.

[§ 3, 11 of 1947.]

(4) Where the Governor-General [3] is at any time satisfied that the amount of interest payable annually to the fund in accordance with the preceding provisions of this section is such that the fund is likely to be insufficient to meet all payments required by this Ordinance to be made from the fund, he may direct that for such number of years as he may specify in the direction such sum as he may so specify shall be paid to the fund out of the general revenue of Ceylon.

[§ 3, 11 of 1947.]

(5) All moneys payable by way of interest, and all sums payable by direction of the Governor-General,[3] under the preceding provisions of this section, shall be paid out of the general revenue of Ceylon; and the payment of all such moneys and sums is hereby charged upon such revenue.

[§ 3, 11 of 1947.]

(6) When all payments required by this Ordinance to be met from the fund have been made, the balance of the fund shall be paid to the general revenue of Ceylon.

Appointment of directors.

5. (1) For the due and proper management of the fund the Governor-General [3] shall appoint any number of public officers, not exceeding five, as directors thereof.

Cancellation of such appointment.

(2) It shall be lawful for the Governor-General [3] to cancel and annul the appointment of any person appointed to be a director, and upon notification thereof in the Gazette such person shall cease to be a director, and shall cease to have and exercise the powers of a director.

Substitution of director.

(3) In the event of the death of a director, or in the event of the absence from Ceylon of a director, or in the event of the cancellation and revocation of the appointment of any director, the Governor-General [3] shall appoint a public officer to be a director in place of the director who shall have died, or shall be absent from

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Ceylon, or whose appointment shall have been cancelled or revoked, and such person so appointed shall have and exercise all the powers and duties reposed in a director by this Ordinance.

Management of fund. [§ 5, 11 of 1947.]

(4) The directors, or such officer appointed under subsection (6) of this section as may be authorized in that behalf by the directors, shall superintend and direct the management and administration of the fund, and shall see that the laws and regulations relating thereto are duly fulfilled.

Annual statement and account.

(5) It shall be the duty of the directors annually, on or before the thirty-first day of May, to prepare a statement and account of the fund for the year ending the thirty-first day of December preceding, and such statement and account shall be laid before the Governor-General [3] and the Senate and the House of Representatives. [1]

Appointment of officers, &c. [§ 2, 33 of 1953.]

(6) The directors may, with the prior approval of the Minister of Finance, appoint such officer or officers as they may consider necessary for carrying out the provisions of this Ordinance.

Pensions to officers employed under the directors.

(7) The Governor-General [3] may, if it shall appear expedient to him, from time to time prescribe rules for the grant of retiring pensions or gratuities to officers and servants appointed under this Ordinance and to those heretofore appointed, and the directors of "The Widows' and Orphans' Pension Fund" shall, subject to such rules, pay such pensions and gratuities out of the moneys of "The Widows' and Orphans' Pension Fund".

Officers to give security. [§ 5, 11 of 1947.]

(8) The officers entitled to pension under any rule made under the preceding subsection, are hereby declared to be public officers within the meaning of this Ordinance, and may be required to give security under the provisions of the Public Officers Security Ordinance.

Meetings of directors.

(9) At every meeting of the directors the senior public officer present shall preside. Every question shall be decided by the vote of the majority of those directors present at the meeting:

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[§ 5, 11 of 1947.]

Provided that if the votes be equally divided the chairman shall have a casting vote in addition to his vote as director. There shall be no meeting at which there shall not be at the least three directors present and voting.

Cost of management of fund.

6. The Deputy Secretary to the Treasury [1] shall from time to time pay the directors from and out of the fund such sums of money as may be necessary to defray all expenses connected with the management and administration of the fund:

Provided that no payment shall be made to any director as salary or remuneration for his own services without the consent and approval of the Governor-General.[3]

Directors may make rules and regulations.

7. The directors shall frame rules and regulations not inconsistent with the provisions of this Ordinance for the proper carrying out of the provisions thereof, and such rules and regulations when approved by the Secretary to the Treasury, [1] and published in the Gazette, shall be valid and binding upon all persons.

Abatement from salaries and pensions. [§ 6, 11 of 1947.]

8. (1) From and after the commencement of this Ordinance a monthly abatement of four *per centum* shall be made from the full salary or pension, as the case may be, of every public officer, notwithstanding that for any month he may receive as salary an amount less than the full salary or may not receive as salary any amount whatsoever.

Deputy Secretary to the Treasury and Crown Agents to deduct from salaries and pensions.

(2) The abatement of four *per centum* from the salaries and pensions of contributors shall be made by the Deputy Secretary to the Treasury, [1] or in case of payments made by the Crown Agents by such Crown Agents, upon each occasion of payment of salary or pension, and shall be placed to the credit of "The Widows' and Orphans' Pension Fund":

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Provided that in the latter case such abatement of four *per centum* shall be calculated and made in rupees by the Crown Agents on the full salary in rupees payable to such contributor when employed in Ceylon, or on the pension in rupees payable to such contributor if resident in Ceylon, and such contributor shall be entitled to receive from the Crown Agents the equivalent in sterling of the balance in rupees of such salary or pension, calculated at the rate at which such contributor is entitled to receive such salary or pension in England.

Officers required to pay abatement to the Deputy Secretary to the Treasury or Crown Agents.

(3) In the event of such abatement not being made, every public officer shall pay to the Deputy Secretary to the Treasury [1] or Crown Agents within fifteen days after the receipt by him of his salary or pension a sum equal to four *per centum* upon his monthly salary or pension, or in the event of any public officer being on leave without salary such public officer shall pay before the fifteenth day of each and every month during the continuance of such leave, to the Deputy Secretary to the Treasury [1] or Crown Agents, a sum equal to four *per centum* upon the full salary which he would have received monthly had he not been on leave. All sums due under the provisions of this subsection and the arrears of any contribution due and payable under the provisions of Ordinance No. 21 of 1896 * shall be taken to be a debt due to the fund by the public officer, and shall be payable to the Deputy Secretary to the Treasury [1] or Crown Agents, together with compound interest at six *per centum*, or, after the appointed date, at four *per centum* per annum, forthwith or by such instalments as the directors may determine. The Deputy Secretary to the Treasury [1] or the Crown Agents shall, upon the written order of the directors or of any two of them, deduct from any moneys which may be or may become due or payable to the public officer by whom such debt is payable the whole or any part of such debt. The provisions of the Prescription Ordinance shall not apply to any such debt.

[§ 6, 11 of 1947.]

* Repealed by Ordinance No. 1 of 1898.

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Period for which abatement shall be made.

9. The abatement of four *per centum* from the salary of a public officer shall continue to be made until such officer attains the age of sixty-five years, should he continue so long in the public service, at which date it shall cease; such abatement shall also cease after an officer has been subject to the abatement for thirty-five successive years.

Officer retiring on pension not to be called upon to contribute more than four *per centum* from such pension.

10. A public officer who from any cause whatever ceases to belong to the public service and retires on a pension shall not be called upon to make any further contribution to the fund beyond a monthly abatement from his pension of four *per centum* on such pension, to commence from the date of his retirement until he attains sixty-five years of age or has been subject to abatement for thirty-five years, when such abatement shall cease.

Contributions may continue in full if income reduced.

11. Whenever the salary of a public officer becomes reduced by abatement of the ordinary emoluments or by retirement on pension, such public officer may elect to continue to contribute upon the higher salary which he was receiving previous to such reduction, and subject to the same terms and conditions as if he had continued to draw the higher salary. Should such public officer not elect so to continue to contribute upon the higher salary, and contribute on the lower salary or pension, any pension to his widow or children shall be diminished in the same amount as it would have been increased had such public officer's salary been increased and not diminished.

Election to contribute on higher salary to be made within six months.

12. A public officer who under section 11 of this Ordinance elects to contribute upon his higher salary must make his election within six months of the date when his right to do so matured, and any such election shall be final.

An officer deprived of his office may continue to contribute.
[§ 7, 11 of 1947.]

13. Where, on any date, a public officer who is not a bachelor retires from or otherwise leaves the public service without a pension, or a public officer, whether he is or is not a bachelor, is removed from the office

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in respect of which he was contributing to the fund and is appointed to a non-pensionable office on a monthly or yearly rate of salary or on a salary or wage calculated at a daily rate, such public officer may, within six months after such date or within any further time which the directors may in special circumstances grant, elect to contribute monthly the same amount as he last contributed before such date, and, if he so elects, he shall continue so to contribute subject to the same terms and conditions as applied to him at such date. In the event of his ceasing to contribute, or in the event of any contributions due from him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled upon the death of such public officer only to a pension computed on the basis of the interest acquired by such contributor in the fund at such date or at the date of his ceasing to contribute, in accordance with the tables hereinafter referred to.

[§ 3, 33 of 1953.]

[§ 7, 11 of 1947.]

Directors to appoint suitable person to exercise right of election on behalf of insane officer.

14. Where a person who is eligible to exercise a right of election under section 11 or section 13 is unable so to do within the period specified in the Ordinance for the exercise of such right by reason of such person being of unsound mind, the directors may appoint a person, who in their opinion is a fit and proper person, to exercise such right on his behalf within such period or within such further time as may be given in that behalf by the directors.

[§ 2, 45 of 1954.]

Provision for case of officers transferred to other employment under the Crown.

15. A public officer other than a bachelor who has been transferred prior to the passing of this Ordinance, or who may be hereafter transferred from the service of this Government to any other office under the Crown, may continue to contribute to the fund from the date of his ceasing to hold office in the service of this Government on the salary which he was receiving at the date of such transfer, at the same rate and subject to the same terms as if he had continued in the service of this Government and continued to receive the salary which he was receiving at the date of such transfer. In the event of his ceasing to contribute, or in the event of any contribution due from

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him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled after the death of such public officer only to a pension computed on the basis of the interest acquired by such contributor to the fund at the date of his being transferred or of his ceasing to contribute, in accordance with the tables hereinafter referred to:

[§ 8, 11 of 1947.] Provided, however, that where such officer is so transferred on or after the appointed date, he shall not be entitled to continue to contribute to the fund in accordance with the preceding provisions of this section, unless, within six months after the date on which he is so transferred or within any further time which the directors may in special circumstances grant, he elects so to continue to contribute.

Payment of contributions under section 13 or section 15.
[§ 9, 11 of 1947.]

16. Every contribution under section 13 or section 15 shall be paid before the fifteenth day of the month next succeeding the month in respect of which such contribution is due. Where such contribution is not paid before that day, it shall be deemed to be in arrear. All arrears of such contributions shall be paid or recovered together with compound interest at six *per centum,* or, after the appointed date, at four *per centum* per annum.

Resumption of payments by defaulting contributors.

17. (1) When the contribution of any person who has continued to contribute to the fund under section 13 or 15 of this Ordinance after ceasing to hold office in the public service of Ceylon is not paid for six months it shall be lawful for the directors, with the sanction of the Secretary to the Treasury,[1] to allow such person to resume his contributions to the fund at the same rate and subject to the same terms and conditions as if he had not made default in paying his contribution as aforesaid, subject nevertheless to the following conditions, namely:—

(*a*) the directors shall not extend the benefit of this section to any person unless he satisfies the directors that his default in paying his con-

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tribution was due to inadvertence or accident, and unless he has applied to be allowed to resume his contributions within such time as the directors, having regard to the circumstances of the case, shall consider reasonable;

(b) no person shall be allowed to resume his contributions to the fund unless he has first paid all arrears of contribution up to date with compound interest at six *per centum*, or, after the appointed date, at four *per centum* per annum; [§ 10, 11 of 1947.]

(c) the directors may, before allowing any person to resume his contributions to the fund, require him to pay to the credit of the fund, by way of penalty, such sum not exceeding fifty rupees as the directors may think proper.

(2) The provisions of this section shall extend to cases where the default in paying the contribution due to the fund has been made before, as well as to cases where such default shall be made after, the 14th day of March, 1906.

Application of this Ordinance to a public officer having more than one wife. [§ 11, 11 of 1947.]

18. The application of this Ordinance to a public officer having two or more wives shall be subject to the following provisions:—

(1) Only the first in time of the existing marriages of such officer shall be deemed to be a valid marriage for the purposes of this Ordinance:

Provided, however, that a marriage, which has become the first in time of the existing marriages of such officer by reason only of the dissolution of an earlier marriage by a divorce, shall not be deemed to be so valid unless the divorce can itself be deemed to be valid under paragraph (2) of this section.

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(2) A divorce dissolving any marriage of such officer shall be deemed to be a valid divorce for the purposes of this Ordinance if, but only if, that divorce has not at any time been preceded by a divorce dissolving any other marriage of such officer.

(3) Where any marriage of such officer becomes a valid marriage for the purposes of this Ordinance by reason of the dissolution of any other marriage of such officer, the date next following the date of such dissolution shall be deemed to be the date of the first-mentioned marriage for the purposes of the computation of any pension payable under this Ordinance to the wife of that marriage when she becomes a widow, or to any child born of that marriage when that child becomes an orphan.

(4) No pension under this Ordinance shall be awarded—

(*a*) to any wife of such officer whose marriage to him could not at any time during his lifetime have been deemed to be a valid marriage within the meaning of paragraph (1) of this section ; or

(*b*) to any child of such officer born of any marriage which could not at the time of the birth of the child have been deemed to be a valid marriage as aforesaid.

Application of sections 21 to 25 in the case of a public officer having more than one wife.
[§ 11, 11 of 1947.]
[§ 4, 33 of 1953.]

19. The provisions of sections 21, 22, 23, 24 and 25 (1), relating to declarations and notifications to be transmitted to the directors, shall, in the case of a public officer having two or more wives, apply in all respects to each marriage of that public officer and to the wife and to each child of that marriage, whether that marriage is or is not a valid marriage for the purposes of this Ordinance.

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Effect of a divorce. [§ 11, 11 of 1947.]

20. Where the marriage of a contributor, other than a contributor having two or more wives, is dissolved by a divorce, he shall, for the purposes of this Ordinance, be deemed to have become a widower.

Officer to furnish particulars within three months of his appointment.

21. Every public officer shall, within three months of the date of his becoming liable to contribute to the fund, forward to the directors a declaration setting forth the date of his becoming so liable, his own name in full and the date of his birth, and if he be married the date of his marriage and the maiden name in full and the date of birth of his wife, and if he have any child or children their names in full and the date of each of their births.

[§ 12, 11 of 1947.]

Officer to notify marriage.

22. Every public officer who shall marry after the passing of this Ordinance shall, within three months of his marriage, forward to the directors a declaration setting forth the date of such marriage and the maiden name of his wife and the date of her birth, and if there be any children by him born to his wife prior to his marriage he shall make a declaration setting forth the names and date of birth of each of such children.

Officer to notify birth of child.

23. Every public officer shall, within three months, notify to the directors the date of the birth of each child born to him after the passing of this Ordinance.

Death or divorce of wife, death of child, and marriage of female child, to be notified.

24. Every public officer whose wife shall die or be divorced from him, or whose child die, or whose female child shall be married, and the guardian of every child who shall die or of every female child who shall be married, shall, within three months thereof, notify to the directors the date of such death, divorce or marriage.

Public officers to furnish supplementary declarations or notifications and proof of statements made therein. [§ 5, 33 of 1953.]

25. (1) If the directors discover that any information specified in a declaration transmitted under section 21 or section 22 or in a notification transmitted under section 23 or section 24 is incorrect or incomplete, the directors may, by written notice, require the public officer or guardian furnishing the information to transmit another declaration or notification giving the

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correct information or supplying the omission within the time specified in the notice.

It shall be the duty of any public officer or guardian, if required so to do, to transmit such other declaration or notification within the aforesaid time.

[§ 13, 11 of 1947.] [§ 5, 33 of 1953.] [§ 5, 33 of 1953.] [§ 5, 33 of 1953.]

(2) Every public officer who transmits to the directors a declaration under section 21 or section 22 or subsection (1) of this section or a notification under section 23 or section 24 or subsection (1) of this section, and every guardian who transmits to the directors a notification under section 24 or subsection (1) of this section, shall furnish to the directors such proof of the statements made in the declaration or notification as may be required by them.

Penalty for non-compliance with provisions of this Ordinance.

26. Every public officer who shall in the judgment of the directors have failed, omitted, or refused to perform any duty cast upon him, or to do any act required of him by this Ordinance or by the rules and regulations made as herein provided, or who shall in the judgment of the directors have furnished any false information or made any false declaration, may be adjudged by the directors to pay for each such omission, default, refusal, false information, or declaration a penalty not exceeding fifty rupees. The Deputy Secretary to the Treasury [1] shall, upon the judgment of the directors being notified to him, deduct such penalty from the first moneys payable to the public officer as salary or otherwise, and shall pay such amount to the credit of the fund.

Who shall be entitled to pension.

27. The widows and orphans entitled to pensions from the fund are the widows and orphans of public officers who have contributed to the fund in accordance with the provisions of this Ordinance or Ordinances Nos. 20 of 1885 * and 21 of 1896, † save as hereinafter excepted. No pension shall become due, and no

* Repealed by Ordinance No. 21 of 1896.
† Repealed by Ordinance No. 1 of 1898.

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pension shall be paid to any widow or orphan of any public officer, until every debt due to the fund by such public officer shall have been fully discharged.

Exemptions from benefits of fund.

28. No widow of a public officer who dies within one year from the date of his marriage shall be entitled to a pension under this Ordinance unless a lawful child is born of such marriage. The child of any public officer born out of wedlock who has become legitimate by the subsequent marriage of such public officer with the mother of such child while such public officer is contributing to the fund, shall be entitled to a pension or allowance from the fund, unless his father shall have died within twelve months of such marriage, in which case such child shall lose all interest in the fund :

[§ 14, 11 of 1947.]

Provided that it shall be lawful for the directors, with the consent of the Secretary to the Treasury,[1] to award a pension to such widow or child if it shall appear to them just and reasonable.

When pension to orphans shall cease.

29. The allowance or pension to orphans shall cease in the case of males at the age of eighteen years, and in the case of females on marriage or at the age of twenty-one years :

[§ 15, 11 of 1947.]

Provided, however, that in the case of a male orphan whose father is a public officer appointed after the 14th day of March, 1906, and who attains the age of eighteen years on or after the appointed date, the allowance or pension shall cease at the age of twenty-one years.

Pension how computed.

30. The pension or allowance to which a widow or child of a deceased public officer is entitled shall be computed according to tables to be approved of by the Governor-General.[3] Such tables shall be adjusted and revised by an actuary or actuaries who shall be from time to time appointed by the Governor-General.[3] All pensions to widows or children, whether in possession or in expectation and reversion, shall be subject to readjustment, and shall be computed upon the tables so adjusted and revised, and diminished or increased accordingly.

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Periodical valuation of fund.
[§ 16, 11 of 1947.]

31. The actuarial valuations of the fund contemplated in section 30 of this Ordinance shall be made triennially up to and including the 31st day of December, 1933, and thereafter at such times as the Governor-General [3] may determine.

Application of surplus at periodical actuarial valuations of assets and liabilities of the fund.

32. Such percentages as the Governor-General [3] may, on the recommendation of the directors, from time to time appoint of such surpluses as may be disclosed by the periodical actuarial valuations provided for by section 31 of this Ordinance of the assets and liabilities of the fund, including the valuation of such assets and liabilities as on the 31st day of March, 1909, shall be applied in increasing the prospective pensions of the widows and orphans of the contributors to the fund at the date of each such valuation, and of former contributors who had ceased to contribute on attaining the age of sixty-five years or on leaving the service, and of all those who may be pensioners at the date of each such valuation, in such shares and proportions and in such manner as the Governor-General [3] as advised by the directors, with the approval of a Secretary of State, [3] may direct.

[§ 18, 11 of 1947.]

The preceding provisions of this section shall have no application in respect of any surplus which may be disclosed by any such valuation of such assets and liabilities as on any day after the 31st day of December, 1930; but every active or prospective pension which in accordance with those provisions has been increased in consequence of any surplus disclosed by any such valuation of such assets and liabilities as on any date prior to the 1st day of January, 1931, shall continue to be payable as so increased, notwithstanding any deficiency which may be disclosed at any such valuation subsequently made.

Pension to orphans.

33. When a public officer being a widower and unmarried shall die or have died leaving a child or children entitled to pensions, or when a widow of a public officer shall die or have died and there be a child

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or children of such public officer surviving entitled to pension, the pensions of such child or children shall be the amount which the widow would have received or had been receiving, equally divided among the children.

Provision in case of widow marrying.

34. The widow of a public officer who marries again shall cease to receive a pension from the date of such marriage ; and the children of such widow and public officer shall thereupon, and in the case of the widow of a public officer who has married again and has ceased to receive a pension from the date of such marriage the children of such widow and public officer shall, from and after the coming into operation of this Ordinance, be entitled to pension as herein before provided in the event of the death of both parents.

Provision in case of a widow and children of a previous marriage.

35. When a public officer dies leaving a widow and children the issue of a previous marriage existing when he became a contributor to the fund, or contracted after he became such contributor, and such children are of ages which entitled them to pensions from the fund, such children shall be entitled each of them to an equal share or portion of the half of the pension to which their mother, if she had survived their father, would have been entitled. The widow of such public officer shall be entitled to one-half of the pension to which she would have been entitled had there been no such children ; and if the public officer dies leaving no such children, or when they cease to be entitled to pension, then she shall be entitled to the whole of such pension as she would have received had there been no such children. Should the widow die leaving no issue of her marriage with the public officer, the children of the first marriage shall be entitled to such pensions as if the public officer had not contracted such subsequent marriage. Should the widow die leaving children the issue of her marriage with the public officer, such children shall be entitled each to an equal share or portion of the pension to which their mother was entitled.

M. 31——J. N. R 7598 (4/60)

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Pension to children of a widower.

36. The children of a widower who shall become or has become a contributor to the fund shall be entitled on his death, and the children of a widower who has contributed to the fund and has died prior to the coming into operation of this Ordinance shall be entitled from and after the coming into operation of this Ordinance, to the pension to which they would have been entitled if their mother had been living at the time of his becoming liable to contribute thereto.

Pension to be paid monthly.

37. The pension payable to any person entitled thereto under this Ordinance shall begin upon the death of the public officer or of his widow, as the case may be, and shall accrue daily and shall be paid monthly. But before any such payment it shall be lawful for the directors to require proof that any widow or child is alive and entitled to the pension claimed by such widow or child.

Payment of pension due to a widow.
[§ 20, 11 of 1947.]

38. A pension payable under this Ordinance to a widow may be paid by the directors to a fit and proper person on behalf of the widow. Where the pension is so paid, the person receiving the pension shall apply it, in accordance with such terms and conditions as may be determined by the directors, for the maintenance, support, or benefit of the widow and her child or children, if any, who would be entitled on her death to receive a pension under this Ordinance.

Failure to maintain child.
[§ 20, 11 of 1947.]

39. Where the directors are satisfied that a widow who is in receipt of a pension under this Ordinance has deserted or abandoned, or is failing to maintain or assist, so far as her means allow, a child who would be entitled on her death to receive a pension under this Ordinance, the directors may, in their absolute discretion, pay to such child, or to a fit and proper person on behalf of such child, such portion of the widow's pension as they may think fit, and the widow shall have no further claim in respect of any portion of her pension so paid. Any portion of a widow's pension paid under

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this section to any person on behalf of a child of the widow shall be applied by that person, in accordance with such terms and conditions as may be determined by the directors, for the maintenance, support, or benefit of such child.

Payment of pension due to a minor. [§ 21, 11 of 1947.]

40. A pension payable under this Ordinance to a minor may be paid by the directors either directly to the minor or to such holder of a designated office or such other person as may be appointed, in writing signed by not less than three of the directors, to receive the pension on behalf of the minor. Where the pension is paid to any person so appointed, he shall apply the pension for the maintenance, support, or benefit of the minor in accordance with such terms and conditions as may be determined by the directors.

Pensions not to be assigned or levied upon.

41. No pension payable from the fund shall be assigned or transferred, and every assignment or transfer shall be absolutely null and void and of no effect. No such pension shall be attached or levied upon or arrested or taken in execution on account of any debt or payment due by the person to whom such pension is payable.

Questions and disputes to be decided by Secretary to the Treasury. [§ 22, 11 of 1947.]

42. Should any question arise as to whether any person is a public officer within the meaning of this Ordinance, or as to whether any person is entitled to any pension as the widow or child of a public officer, or as to the amount of pension to which any widow or child shall be entitled, or as to the meaning or construction to be assigned to any section of this Ordinance, or to any rule or regulation made under the provisions thereof, the directors may on their own initiative, and shall at the written request of such officer, widow, or child, submit such question for decision to the Secretary to the Treasury;[1] and the decision of the Secretary to the Treasury[1] thereon shall be final.

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Widow not entitled to pension if marriage contracted after officer had ceased to contribute.

43. No widow of a public officer whose marriage was contracted after he had ceased to contribute, and no child of such marriage, shall be entitled to any pension.

Exemption of pensions from estate duty.

44. No pension to which a widow or child of a deceased public officer dying after the commencement of this Ordinance becomes entitled under this Ordinance or any other enactment relating to the pensions of the widows or children of deceased public officers shall be liable to the payment of estate duty under the Estate Duty Ordinance.

No increase or decrease of pension if residing in climate less or more healthy than Ceylon.

45. No pension, whether payable to a widow or to a child or children, shall be increased or decreased by reason of the residence of the person entitled to such pension being less or more healthy as to climate than Ceylon.

Refund of contributions to bachelors.

46. (1) In the event of a bachelor retiring from, or otherwise quitting, the public service unmarried, a moiety of the contributions made by such bachelor, but without any interest, shall be refunded to him. And such bachelor and all persons claiming by, through or under him shall cease to have any interest in the fund and shall have no claim thereon.

(2) In the event of a bachelor dying while in the public service, a moiety of the contributions made by him shall be paid, but without interest, to his legal representative.

Application of section 46.
[§ 23, 11 of 1947.]

47. The provisions of section 46 shall not apply in any case where, on or after the appointed date, a bachelor retires from or otherwise leaves the public service or dies while in such service.

Special provisions relating to refunds in the case of bachelors.
[§ 23, 11 of 1947.]

48. (1) Where, on or after the appointed date, a bachelor retires from or otherwise leaves the public service while making contributions under this Ordinance, he shall cease to make such contributions and

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shall be granted a refund of the entirety of his contributions under this Ordinance with compound interest thereon at 2½ *per centum* per annum.

(2) Where, before the appointed date, a bachelor ceases to make contributions under this Ordinance while in the public service owing to the expiry of his maximum period of contribution, he shall be granted a refund of one-half of his contributions under this Ordinance without interest.

(3) Where, on or after the appointed date, a bachelor ceases to make contributions under this Ordinance while in the public service owing to the expiry of his maximum period of contribution, he shall be granted a refund of the entirety of his contributions under this Ordinance with compound interest thereon at 2½ *per centum* per annum.

(4) Where, on or after the appointed date, a bachelor who is eligible to elect under section 13 of this Ordinance to contribute, fails so to elect and, accordingly, ceases to contribute, he shall, on written application made in that behalf, be paid a refund of the entirety of his contributions under this Ordinance with compound interest at 2½ *per centum* per annum. [§ 3, 45 of 1954.]

(5) Where a bachelor dies before receiving any refund to which he has become entitled under any of the preceding subsections of this section the amount of that refund shall be paid to his legal representative, or heir, or heirs.

(6) Where, on or after the appointed date, a bachelor dies while in the public service and while making contributions under this Ordinance, the entirety of his contributions under this Ordinance shall be paid to his legal representative, or heir, or heirs, with compound interest thereon at 2½ *per centum* per annum.

Concessions to widowers without pensionable children.

49. (1) In the following cases, that is to say :—

(*a*) where a contributor, who is a widower without pensionable children, retires from the public service on pension ;

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(*b*) where a contributor, who is a widower without pensionable children, leaves the public service by resignation, transfer, or otherwise ;

(*c*) where a contributor, who is a widower without pensionable children, dies whilst in the public service,

such contributor, or the legal personal representative of such contributor, as the case may be, shall be entitled to a refund without interest of fifty *per centum* of the repayable contributions of such contributor :

[§ 24, 11 of 1947.]

Provided that any contributor who elects to exercise his right under this subsection shall cease to contribute to the fund, and shall have no further claim upon it.

(2) Where a contributor who has retired on pension subsequently becomes a widower without pensionable children, he may elect to cease from contributing to the fund, and shall thereupon have no further claim upon it.

(3) A contributor who elects to exercise his right under this section must do so within six months of the date on which such right matured, and any such election shall be final.

Application of section 49.
[§ 25, 11 of 1947.]

50. The provisions of section 49 shall not apply in any case where, on or after the appointed date, a contributor—

(*a*) being a widower without pensionable children, retires from or otherwise leaves the public service or dies while in such service, or

(*b*) becomes such a widower after retiring from such service on pension.

Special provisions relating to refunds in case of widowers without pensionable children.
[§ 25, 11 of 1947.]
[§ 6, 33 of 1953.]

51. (1) Where a widower without pensionable children, by reason of his failure to exercise his right under section 49, does not cease to make contributions under this Ordinance, then—

(*a*) if he at any time after the appointed date elects to cease to make such contributions, or

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(*b*) if he continues to make such contributions and ceases so to do by reason of the expiration of his maximum period of contribution or by reason of his death,

a refund shall, on the date of such election, expiration or death, as the case may be, be due of the entirety of the contributions made by him under this Ordinance on or after the appointed date with compound interest thereon at 2½ *per centum* per annum ; and the refund so due shall be paid upon written application made for the purpose, to such widower if he is alive, or if he is dead to his legal representative or heir or heirs.

(2) Where, on or after the appointed date, a person who is making contributions under this Ordinance— [§ 6, 33 of 1953.]

(*a*) retires from or otherwise leaves the public service while a widower without pensionable children, or

(*b*) becomes such a widower after retiring from or otherwise leaving such service,

then—

(i) if he at any time thereafter elects to cease to make such contributions, or

(ii) if he continues to make such contributions and ceases so to do by reason of the expiration of his maximum period of contribution or by reason of his death,

a refund shall, on the date of such election, expiration or death, as the case may be, be due of the entirety of his repayable contributions with compound interest thereon at 2½ *per centum* per annum ; and the refund so due shall be paid upon written application made for the purpose, to such widower if he is alive, or if he is dead to his legal representative or heir or heirs.

(3) Where, before the appointed date, a widower without pensionable children ceases to make contributions under this Ordinance while in the public

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service owing to the expiry of his maximum period of contribution, he shall be granted a refund of one-half of his repayable contributions without interest.

(4) Where, on or after the appointed date, a widower without pensionable children ceases to make contributions under this Ordinance while in the public service owing to the expiry of his maximum period of contribution, he shall be granted a refund of the entirety of his repayable contributions with compound interest thereon at 2½ *per centum* per annum.

[§ 6, 33 of 1953.]

(5) Where, on or after the appointed date, a widower without pensionable children who is eligible to elect under section 13 or under the proviso to section 15 of this Ordinance to contribute fails so to elect, and, accordingly, ceases to contribute, he shall, on a written application made in that behalf, be paid a refund of the entirety of his repayable contributions with compound interest thereon at 2½ *per centum* per annum.

(6) Where a widower without pensionable children dies before receiving any refund to which he has become entitled under any of the preceding subsections of this section, the amount of that refund shall be paid to his legal representative, or heir, or heirs.

(7) Where, on or after the appointed date, a widower without pensionable children dies while in the public service and while making contributions under this Ordinance, the entirety of his repayable contributions shall be paid to his legal representative, or heir, or heirs with compound interest thereon at 2½ *per centum* per annum.

(8) Where a widower without pensionable children elects under subsection (1) or subsection (2) of this section to cease to make contributions under this Ordinance, the election shall be final.

Calculation of compound interest for the purposes of sections 48 and 51.
[§ 25, 11 of 1947.]

52. Compound interest on such contributions under this Ordinance as are to be refunded under section 48 or section 51 shall be payable up to the date on which the refund becomes due and not up to the date on which the amount of the refund is paid, and shall be calculated in the same manner as compound interest

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on the contributions made under this Ordinance by a contributor during his bachelorhood is calculated for the purposes of the computation of the pension in consideration of the contributions so made.

Provisions with regard to officers appointed after 14th March, 1906.

53. Public officers appointed after the 14th day of March, 1906, shall not be allowed to become contributors to the fund, anything in this Ordinance to the contrary notwithstanding; but abatements shall be made from the salaries or pensions of such public officers equivalent to the contributions and other payments which would have been levied from them under the provisions of this Ordinance, and shall be carried to the credit of the general revenue accounts of Ceylon:

Provided that the sum so received shall not be assessable for military contribution under the Defence Contribution Ordinance, 1898. *

Application of this Ordinance to such officers.

54. The provisions of this Ordinance, so far as the same are not modified by the provisions of section 53, shall apply to all public officers appointed after the 14th day of March, 1906.

Calculation of pensions in respect of increments of salary of existing public officers.

55. All pensions accruing after the 14th day of March, 1906, in respect of increments of salary of existing public officers shall be calculated according to the tables in Schedule II.

Observance of rules in calculating pensions.

56. The rules contained in Schedule I shall be observed in calculating the pensions payable to the widows and orphans of public officers on the basis of the tables in Schedule II.

Computation of pensions of widows or orphans of officers appointed after 14th March, 1906.

57. (1) The pensions to which widows or orphans of deceased public officers appointed after the 14th day of March, 1906, are entitled, shall be deemed to have been computable and payable—

(*a*) for the period ending on the 31st day of December, 1919, according to the tables in Schedule II; [§ 26, 11 of 1947.]

* Omitted from this Edition as its operation is suspended by Ordinance No. 4 of 1946.

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(*b*) for the period commencing on the 1st day of January, 1920, and terminating on the day before the appointed date, according to the tables sanctioned by the Governor on the 27th day of February, 1922 ; and

(*c*) for the period commencing on the appointed date, according to the tables sanctioned by the Governor on the 3rd day of August, 1945 :

Provided, however, that the computation of the variation to be effected, as a result of any variation of the contribution on or after the appointed date, in the pension payable under this Ordinance in respect of any contributor appointed to be a public officer after the 14th day of March, 1906, but before the appointed date, and the computation of the pension payable under this Ordinance in respect of any such contributor who for the first time marries on or after the appointed date, shall be in accordance with the tables sanctioned by the Governor on the 3rd day of August, 1945, or the tables so sanctioned on the 27th day of February, 1922, whichever may produce the larger ultimate pension ;

Provided further that, notwithstanding the provisions of rule 1 (*a*) set out in Schedule I, in the case of a public officer who has been appointed after the 14th day of March, 1906, and who has commenced to be a contributor while a bachelor, compound interest on the contributions made by him during his bachelorhood shall, for the purposes of the computation of the pension in consideration of those contributions, be calculated—

(*a*) in respect of any period terminating on or before the 31st day of December, 1919, at six *per centum* per annum ;

(*b*) in respect of any period commencing on or after the 1st day of January, 1920, and terminating before the appointed date, at eight *per centum* per annum ; and

(*c*) in respect of any period commencing on or after the appointed date, at six *per centum* per annum.

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(2) Such tables may, with the approval of the Governor-General [3] be adjusted and revised from time to time by an actuary or actuaries appointed by the Governor-General, [3] and the tables so adjusted and revised shall be substituted for the tables previously in force and shall come into force on a date which shall be fixed by the Governor-General [3] and shall apply to any pension payable in respect of a contributor dying on or after that date, but not to any pension payable to a contributor dying before that date.

(3) All pensions payable under the preceding provisions of this section in respect of public officers appointed after the 14th day of March, 1906, and all amounts to be refunded and all interest to be paid under this Ordinance to such officers or to their legal representatives or heirs, shall be paid out of the Consolidated Fund [1] of Ceylon and are hereby made a charge on the Consolidated Fund. [1] [§ 26, 11 of 1947.]

58. An investigation of the scheme of paying pensions under this Ordinance in respect of public officers referred to in section 53 shall be made, at such times as the Governor-General [3] may determine, by an actuary approved by the Governor-General. [3]

Actuarial investigation of scheme of paying pensions in respect of public officers referred to in section 53. [§ 27, 11 of 1947.]

SCHEDULE I

RULES FOR CALCULATING PENSIONS TO WIDOWS AND ORPHAN CHILDREN OF PUBLIC OFFICERS ACCORDING TO THE TABLES IN SCHEDULE II [Section 56.]

Synopsis of Rules

A.—Public Officer who commenced to contribute while a Bachelor.

I.—First Wife's Prospective Pension.

(A) Pension in consideration of the contributions paid during bachelorhood.

(B) Pension in consideration of the annual contribution current at the date of marriage.

(C) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his first wife.

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II.—Second, and subsequent, Wife's Prospective Pension.

(A) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is a widower.

(B) Variations of pension consequent on the remarriage of the contributor.

(C) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his second, or subsequent, wife.

B.—Public Officer who commenced to contribute while married.

III.—First Wife's Prospective Pension.

(A) Pension in consideration of the annual contribution current at the date of commencement of the contribution.

(B) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his first wife.

IV.—Second, and subsequent, Wife's Prospective Pension.

(A) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is a widower.

(B) Variations of pension consequent on the remarriage of the contributor.

(C) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his second, or subsequent, wife.

C.—Public Officer who commenced to contribute while a Widower.

V.—Second, and subsequent, Wife's Prospective Pension.

D.—Pensions to Orphan Children.

VI.—Orphans' Pensions at Death of Widower Contributor.

(A) Case where the orphans are the issue of the same wife.

(B) Case where the orphans are the issue of different wives.

VII.—Orphans' Pensions at Death or Remarriage of Widow.

VIII.—Orphans' Pensions at Death of Married Contributor.

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E.—Public Officer transferred to the service of another Colony.

F.—Calculation of Quantities (or Tabular Results) for Ages not given in the Tables.

A to C.—Calculation of Registered Pensions

The calculation of the amount of the pension that will or may become payable at the death of a contributor should not be delayed until such death has actually occurred ; but a register should be kept in which full particulars respecting each contributor should be entered, and in this register should be recorded against every married and widower contributor the amount of the pension which would become payable should he die immediately, leaving a widow or orphans entitled to such pension. The amount of the pension per annum so entered in the register against a contributor, or, in other words, his "registered pension" should be calculated (and recalculated as often as may be necessary) in accordance with the following rules :—

A.—Public Officer who commenced to contribute while a Bachelor.

Note.—No registered pension is to be recorded unless and until the bachelor contributor marries.

I.—First Wife's Prospective Pension.

Note.—The registered pension to be recorded on marriage is found by adding together the two amounts calculated in accordance with the following *rules I.* (*a*) and *I.* (*b*) respectively :

(A) Pension in consideration of the contributions paid during bachelorhood.

Rule I. (*a*).—Accumulate the contributions at 6 per cent. compound interest, with yearly rests at each 31st December, and multiply the result by the quantity found from Table A corresponding to the respective ages next birthday of the husband and wife at the date of marriage. The product gives the registered pension on account of the contributions paid during bachelorhood.

(B) Pension in consideration of the annual contribution current at the date of marriage.

Note.—The amount of the current annual contribution is obtained by multiplying by 12 the amount of the last monthly contribution.

Rule I. (*b*).—Turn to the section of Table B which contains in the heading the age of the husband at the date of completion of his period of contribution, and multiply the amount of the current annual contribution, by the quantity found from that section corresponding to the respective ages next birthday of the husband and wife at the date of marriage. The product gives the registered pension on account of the annual contribution current at the date of marriage.

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Example of the application of Rules I. (a) and I. (b) :—

Officer born on	31st July, 1858
Officer commenced to contribute on ..	1st April, 1884
Officer married on	30th June, 1888
Annual contribution, 1st April, 1884, to 31st December, 1886	Rs. 20
Annual contribution, 1st January, 1887, to date of marriage	Rs. 30
Date of completion of contribution period ..	1st April, 1919
Wife born on	31st Aug., 1868
Officer's age next birthday at date of marriage ..	30
Officer's age next birthday at completion of contribution period	61
Wife's age next birthday at date of marriage ..	20

Application of Rule I. (a) :—

Accumulation of contributions paid during bachelorhood :—

Contributions from 1st April to 31st December, 1884	Rs.	15 0
Contributions during 1885	Rs.	20 0
One year's interest at 6 per cent. on Rs. 15 ..	Rs.	0 90
	Rs.	35 90
Contributions during 1886	Rs.	20 0
One year's interest at 6 per cent. on Rs. 35·90	Rs.	2 15
	Rs.	58 5
Contributions during 1887	Rs.	30 0
One year's interest at 6 per cent. on Rs. 58·05	Rs.	3 48
	Rs.	91 53
Contributions from 1st January to 30th June, 1888	Rs.	15 0
Half-year's interest at 6 per cent. on Rs. 91·53	Rs.	2 75
Total accumulation ..	Rs.	109 28

Quantity found from Table A—Husband 30, Wife 20 ·346

Rs. 109·28 × ·346 = Rs. 37·81 = registered pension in consideration of contributions paid during bachelorhood.

Application of Rule I. (b) :—

Annual contribution current at the date of marriage, Rs. 30.

Quantity found from Table B, section for officers aged 61 next birthday at completion of period of contribution :—

Husband 30, Wife 20 .. 4·29

Rs. 30 × 4·29 = Rs. 128·70 = registered pension in consideration of annual contribution current at marriage.

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Total Registered Pension to be recorded on the bachelor contributor marrying :—

By *rule I.* (*a*)	Rs.	37 81
By *rule I.* (*b*)	Rs.	128 70
Total ..	Rs.	166 51

(c) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his first wife.

Note.—The cessation of the contribution from any cause before the completion of the full period of contribution must be regarded as a decrement from the current annual contribution equal to the amount of such current annual contribution.

Rule I. (*c*).—Turn to the section of Table B which contains in the heading the age of the husband at the date of completion of his period of contribution, and multiply the amount of the increment to, or the decrement from, the current annual contribution by the quantity found from that section corresponding to the respective ages next birthday of the husband and wife at the date of the variation of the contribution.

The product gives the amount to be added to the registered pension consequent on the increment to the current annual contribution, or, as the case may be, the amount to be deducted from the registered pension consequent on the decrement from the current annual contribution.

Example of the application of Rule I. (*c*) *:—*

Assume particulars as in the example subjoined to *rules I.* (*a*) and *I.* (*b*) *:—*

Annual contribution increased on 31st May, 1893, from Rs. 30 to	Rs.	50
Annual contribution decreased on 30th April, 1898, from Rs. 50 to ..	Rs.	40
Annual contribution ceased on 31st March, 1903.		
1893, May 31st—Increment to current annual contribution	Rs.	20

Quantity found from Table B, section for officers aged 61 next birthday at completion of period of contribution :—

Husband 35 Wife 25	..	3·56

Rs. 20 × 3·56 = Rs. 71·20 = amount to be added to the registered pension.

Registered pension at marriage, see example subjoined to *rules I.* (*a*) and *I.* (*b*) ..	Rs.	166 51
Add	Rs.	71 20
Registered pension at 31st May, 1893 ..	Rs.	237 71
1898, April 30th—Decrement from current annual contribution	Rs.	10

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Quantity found from Table B, section for officers aged 61 next birthday at completion of period of contribution :—

Husband	40	..	2·91
Wife	30		

Rs. 10 × 2·91 = Rs. 29·10 = amount to be deducted from the registered pension.

Registered pension at 31st May, 1893, as above ..	Rs.	237 71
Deduct	Rs.	29 10
Registered pension at 30th April, 1898 ..	Rs.	208 61

1903, March 31st—Cessation of contribution regarded as a decrement from current annual contribution .. .. .. Rs. 40

Quantity found from Table B, section for officers aged 61 next birthday at completion of period of contribution :—

Husband	45	..	2·30
Wife	35		

Rs. 40 × 2·30 = Rs. 92·00 = amount to be deducted from the registered pension.

Registered pension at 30th April, 1898, as above	Rs.	208 61
Deduct	Rs.	92 0
Registered pension at 31st March, 1903 ..	Rs.	116 61

II.—Second, and subsequent, Wife's Prospective Pension.

(A) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is a widower.

Rule II. (*a*).—Ass me that the contributor is married to a wife of the age that his last preceding wife would have been had she survived to the date of the variation of the contribution, and proceed in accordance with *rule I.* (*c*).

Example of the application of Rule II. (*a*) :—

If the particulars be as in the example subjoined to *rule I.* (*c*) except that the first wife, who was born on 31st August, 1868, died on 30th November, 1888, it would be assumed that the contributor was at the date of each of the three variations of the contribution married to a wife who was born on the 31st August, 1868. The calculations will then be identical with those given in the example subjoined to *rule I.* (*c*).

(B) Variations of pension consequent on the remarriage of the contributor.

Note.—No variation of the registered pension is to be recorded if the second, or subsequent, wife was at the date of the remarriage of *the same age next birthday as* the last preceding wife would have been had she survived to that date.

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Rule II. (*b*).—If the second, or subsequent, wife was at the date of the remarriage *of a greater or less age next birthday than* the last preceding wife would have been had she survived to that date, multiply the amount of the registered pension by the quantity found from Table C corresponding to the age next birthday of the husband at the date of remarriage, and the age next birthday which the last preceding wife would have attained had she survived to that date; multiply the product so obtained by the quantity found from Table A corresponding to the respective ages of the husband and of the second, or subsequent, wife at the date of the remarriage.

The result gives the registered pension to be recorded on the remarriage of the contributor.

Example of the application of Rule II. (*b*) :—

Assume particulars as in the example subjoined to *rules I.* (*a*) *and I.* (*b*) :—

First wife died on	.. ..	30th Nov., 1888
Contributor remarried on	.. ..	31st Jan., 1893
Contributor's age next birthday at date of remarriage	.. ..	35
Second wife born on	.. ..	30th June, 1873
Second wife's age next birthday at date of the remarriage	.. ..	20
Age next birthday which the first wife would have attained had she survived to date of the remarriage	.. ..	25

1893, January 31st—The second wife being of a less age next birthday at the date of the remarriage than the first wife would have been had she survived, the registered pension Rs. 166·51—see example subjoined to *rules I.* (*a*) and *I.* (*b*)—is to be recalculated.

Quantity found from Table C :—

Husband 35, Wife 25 .. 3·224

Quantity found from Table A :—

Husband 35, Wife 20 .. ·293

Rs. 166·51 × 3·224 = Rs. 536·83
Rs. 536·83 × ·293 = Rs. 157·29 = registered pension at 31st January, 1893.

(c) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his second, or subsequent, wife.

Rule II. (*c*).—Proceed as in *rule I.* (*c*).

B.—Public Officer who commenced to contribute while Married.

III.—First Wife's Prospective Pension.

Note.—In every case of a public officer who commenced to contribute while married, the wife at the date of commencement of the contribution is to be considered as

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the officer's first wife, and no particulars are to be recorded respecting any former wife to whom he may have been married, unless there is issue of such former wife of a pensionable age (see D.—Pensions to Orphan Children).

(A) Pension in consideration of the annual contribution current at the date of commencement of the contribution.

Rule III. (*a*).—Turn to the section of Table B which contains in the heading the age of the husband at the date of completion of his period of contribution, and multiply the amount of the current annual contribution by the quantity found from that section corresponding to the respective ages next birthday of the husband and wife at the date of commencement of the contribution.

The product gives the registered pension on account of the annual contribution current at the date of commencement of the contribution.

Example of the application of Rule III. (*a*) :—

Officer born on	31st Aug., 1850
Officer married on	30th June, 1879
Officer commenced to contribute on ..	31st July, 1890
Annual contribution current on 31st July, 1890..	Rs. 100
Date of completion of contribution period ..	31st Aug., 1915
Wife born on	31st Oct., 1860
Officer's age next birthday on 31st July, 1890..	40
Officer's age next birthday at completion of contribution period	65
Wife's age next birthday on 31st July, 1890 ..	30
1890, July 31st—Current annual contribution..	Rs. 100

Quantity found from Table B, section for officers aged 65 next birthday at completion of period of contribution :—

Husband	40	.. 3·07
Wife	30	

Rs. 100 × 3·07 = Rs. 307 = registered pension in consideration of annual contribution current at commencement of contribution.

(B) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his first wife.

Rule III. (*b*).—Proceed as in *rule I.* (*c*).

IV.—Second, and subsequent, Wife's Prospective Pension.

(A) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is a widower.

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Rule IV. (*a*).—Proceed as in *rule II.* (*a*).

(B) Variations of pension consequent on the remarriage of the contributor.

Rule IV. (*b*).—Proceed as in *rule II.* (*b*).

(C) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his second, or subsequent, wife.

Rule IV. (*c*).—Proceed as in *rule I.* (*c*).

C.—Public Officer who commenced to contribute while a Widower.

V.—Second, and subsequent, Wife's Prospective Pension.

Rule V.—For the purpose of calculating the registered pension assume that the deceased wife survived to the date of commencement of the contribution and died immediately afterwards ; then proceed in accordance with the rules applicable to the case of officers who commenced to contribute while married (see **B**).

D.—Pensions to Orphan Children.

VI.—Orphans' Pensions at death of Widower Contributor.

(A) Case where the orphans are the issue of the same wife.

Rule VI. (*a*).—Divide the amount of the registered pension of the widower contributor equally among the children entitled for the time being.

Example of the application of Rule VI. (*a*) :—

Registered pension of widower contributor at his death, Rs. 150 per annum.

Children entitled on his death :—

Spinster daughter aged	..	19
Son aged ..	..	14
Son aged ..	..	12

Each of the three children will take a pension of Rs. 50 per annum.

If the spinster daughter marry at the age of 20 the two sons will each take a pension of Rs. 75 per annum.

If the younger son subsequently die at the age of 15 the elder son will take the full pension of Rs. 150 per annum.

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(B) Case where the orphans are the issue of different wives.

Note.—The rules here given provide for the case of two wives only.

Rule VI. (*b*).—(1) Divide equally among such of the children of the first wife as may be entitled for the time being *one moiety* of the pension which the first wife would have received had she survived the contributor.

(2) Divide equally among such of the children of the second wife as may be entitled for the time being *one moiety* of the pension which the second wife would have received had she survived the contributor, and had there been no issue of the first wife entitled to pension.

(3) So soon as all the children of either the first wife or the second wife have ceased to be entitled to pension, divide equally among such of the children of the other wife as may be entitled for the time being *the whole* of the pension which such other wife would have received had she survived the contributor, and had there been no issue of the first wife entitled to pension.

VII.—Orphans' Pensions at Death or Remarriage of Widow.

Rule VII.—Divide the amount of the widow's pension equally among her children entitled for the time being.

Example of the application of Rule VII.:—

Amount of widow's pension at her death or remarriage, Rs. 150 per annum.

Children entitled at her death:—

Assuming the particulars as in the example subjoined to *rule VI.* (*a*), proceed as therein indicated.

VIII.—Orphans' Pensions at Death of Married Contributor.

Rule VIII.—In the case where a contributor dies leaving a widow, and also children the issue of a previous marriage, divide equally among such of the children of the first wife as may be entitled for the time being *one moiety* of the pension which the first wife would have received had she survived the contributor. On the widow's pension ceasing, divide equally among such of the children of the first wife as may be entitled for the time being *the whole* of the pension which the first wife would have received had she survived the contributor.

Note.—In this case so long as the children of the first wife are entitled to pension, the widow's pension is *one moiety* of that which she would have received had there been no such children.

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E.—Public Officer transferred to the Service of another Colony.

Throughout these rules and examples the calculations depend, not on the official income of the contributor, but on the amount of his contribution to the fund, so that the transfer of a public officer to the service of another colony does not affect his registered pension unless the amount of his current annual contribution is varied, in which case the proper adjustment is to be made in accordance with the preceding rules.

F.—Calculation of Quantities (or Tabular Results) for Ages not given in the Tables.

Table A.—The quantities are given for every age of the husband from 15 to 64, and for every fifth age of the wife from 15 to 65. Ages of husbands and wives below or beyond are to be treated as the youngest and oldest ages given respectively.

For the intermediate ages of wives, interpolate by first differences, as follows :—

To find the quantity corresponding to the ages of a husband and wife aged respectively 35 and 27 next birthday :—

The quantity for ages 35 and 25 given in the Table is .310
The quantity for ages 35 and 30 given in the Table is .332

So that the addition of five years to the age of the wife results in an addition of .022 to the quantity given in the Table for ages 35 and 25.

An addition of two years to the age of the wife accordingly results by proportion in an addition of two-fifths of .022 to the quantity given in the Table for ages 35 and 25.

Two-fifths of .022=.009, which added to .310 gives .319 which is the required quantity corresponding to ages 35 and 27.

Table B.—This Table is divided into eleven sections respectively applicable to officers who will be aged next birthday 55, 56, 57, ... up to 65, when they complete their period of contribution. Care should in all cases be taken to turn to the section which contains in the heading the age of the husband at the date of completion of his period of contribution.

In each section the quantities are given for 35 consecutive ages of the husband, terminating at the age preceding that at which the contribution ceases, and for every fifth age of the wife from 15 to 65.

Ages of the wife below or beyond are to be treated as the youngest and oldest ages given respectively. For the intermediate ages of wives interpolate by first differences as explained above. Thus, the quantity found from the first section of the Table (age 55) corresponding to the ages of a husband and wife aged respectively 45 and 38 next birthday is three-fifths of .17, added to 1.78, which gives 1.88.

For officers who commence to contribute at an earlier age than 20 next birthday the method of calculation given in the subjoined examples is to be followed.

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Example (*1*).—An officer aged 17 next birthday, having a wife aged 15 next birthday, commences to contribute. Assume that the officer is aged 20 next birthday, so that the quantity found from Table B will be 6.05.

This officer receives an increment of salary at age 22 next birthday, when his wife's age is 20. Assume that his age is 25 next birthday, i.e., his actual age 22 plus the difference between his actual age at entry and 20, which is three years. The quantity found from Table B will be 5.16.

Example (*2*).—An officer aged 19 next birthday commences to contribute as a bachelor, and five years later, when aged 24 next birthday, marries, his wife's age being 20 next birthday. The quantity found from Table A in accordance with *rule I.* (*a*) will be taken from the actual ages (husband 24 and wife 20), and will be .422. With respect to the current annual contribution at marriage, assume that the officer's age is 25 (his actual age plus one), so that the quantity found from Table B will be 5.16.

This officer receives an increment of salary when aged 39, when his wife's age is 35. Assume as before that the ages are 40 and 35 respectively, so that the quantity found from Table B will be 2.72.

Note.—It will be observed that this method takes account of the actual number of years for which the annual contribution will run. In *example* (*1*), when the officer receives the increment of salary at age 22 he has contributed to the fund for five years, so that at the expiration of 30 years his contributions will cease. Similarly in *example* (*2*), when the officer marries at age 24, he also has contributed to the fund for five years, so that although he is two years older than the officer in *example* (*1*), yet the unexpired period of contribution is the same in each case, and the wife's age is in each instance 20, so that no important error is involved in using the same tabular quantity for the two cases.

Table C.—The quantities are given for the same ages as in Table A ; ages of husbands and wives below and beyond are to be treated as in using that Table.

For the intermediate ages of wives interpolate by first differences as explained above, except that it must be noted that in this Table an addition to the age of the wife results in a *deduction* from the quantity given in the Table.

To find the quantity corresponding to the ages of a husband and wife aged respectively 35 and 27 next birthday :—

The quantity for ages 35 and 25 given in the Table is .. 3.224
The quantity for ages 35 and 30 given in the Table is .. 3.010

So that the addition of five years to the age of the wife results in a deduction of .214 from the quantity given in the Table for ages 35 and 25.

An addition of two years to the age of the wife accordingly results by proportion in a deduction of two-fifths of .214 from the quantity given in the Table for ages 35 and 25.

Two-fifths of .214=.086, which deducted from 3.224 leaves 3.138 which is the required quantity corresponding to ages 35 and 27.

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SCHEDULE II

[Section 55.]

TABLES

Table A

The Yearly Pension payable by Monthly Instalments, which a Single Contribution of 1 will secure

Age of Husband next Birthday	Age of Wife next Birthday										
	15	20	25	30	35	40	45	50	55	60	65
15	·521	·551	·588	·633	·689	·759	·849	·973	1·139	1·364	1·667
16	·507	·536	·572	·616	·671	·740	·829	·948	1·107	1·325	1·626
17	·494	·521	·556	·600	·653	·720	·808	·923	1·076	1·285	1·585
18	·480	·506	·541	·583	·635	·701	·786	·897	1·046	1·247	1·541
19	·466	·492	·525	·566	·617	·681	·765	·872	1·015	1·211	1·493
20	·452	·477	·509	·549	·599	·662	·742	·847	.985	1·174	1·443
21	·439	·463	·494	·532	·580	·642	·720	·822	·956	1·138	1·395
22	·425	·449	·479	·516	·562	·623	·699	·797	·927	1·103	1·350
23	·412	·435	·464	·500	·545	·603	·677	·772	·898	1·068	1·304
24	·399	·422	·449	·484	·527	·583	·656	·748	·870	1·034	1·259
25	·387	·408	·434	·468	·510	·564	·634	·724	·842	1·001	1·214
26	·375	·395	·420	·452	·493	·545	·613	·701	·816	·968	1·170
27	·363	·382	·407	·437	·476	·527	·593	·678	·789	·936	1·127
28	·351	·370	·393	·423	·460	·509	·573	·656	·763	·906	1·087
29	·340	·358	·380	·408	·444	·492	·553	·634	·739	·876	1·048
30	·329	·346	·367	·394	·429	·475	·534	·612	·714	·846	1·011
31	·318	·334	·355	·381	·414	·458	·515	·591	·691	·818	·975
32	·308	·323	·343	·368	·400	·442	·498	·571	·668	·791	·940
33	·298	·313	·332	·356	·386	·427	·480	·551	·645	·764	·907
34	·288	·302	·321	·344	·373	·412	·464	·532	·623	·739	·876
35	·279	·293	·310	·332	·360	·398	·448	·514	·602	·714	·847
36	·271	·283	·300	·321	·348	·385	·432	·497	·581	·690	·820
37	·262	·274	·290	·311	·337	·372	·410	·480	·561	·666	·794
38	·254	·265	·281	·300	·326	·360	·404	·464	·542	·644	·769
39	·246	·257	·271	·290	·315	·347	·390	·448	·524	·623	·745
40	·239	·249	·263	·281	·304	·335	·376	·432	·506	·602	·722
41	·231	·241	·254	·271	·294	·324	·363	·417	·489	·583	·700
42	·224	·234	·246	·263	·284	·313	·350	·402	·473	·564	·679
43	·218	·227	·238	·254	·275	·302	·338	·389	·457	·546	·659
44	·211	·220	·231	·246	·266	·292	·326	·375	·441	·529	·639
45	·205	·213	·224	·238	·257	·282	·315	·362	·426	·511	·620
46	·199	·207	·217	·230	·248	·272	·305	·350	·412	·494	·600
47	·193	·201	·210	·223	·240	·263	·295	·339	·398	·478	·581
48	·188	·195	·204	·216	·232	·255	·285	·327	·385	·462	·563
49	·182	·189	·198	·210	·225	·246	·276	·317	·372	·447	·546
50	·177	·184	·192	·203	·218	·238	·267	·306	·360	·433	·530
51	·172	·179	·187	·197	·211	·231	·258	·296	·348	·419	·515
52	·168	·174	·182	·191	·205	·224	·250	·286	·337	·406	·500
53	·163	·169	·177	·186	·198	·217	·242	·277	·326	·393	·486
54	·159	·165	·172	·180	·193	·210	·234	·268	·316	·382	·473
55	·154	·160	·167	·175	·187	·204	·227	·260	·306	·371	·461
56	·150	·156	·163	·171	·182	·198	·220	·252	·297	·361	·449
57	·147	·152	·159	·166	·177	·192	·214	·245	·289	·352	·438
58	·143	·148	·154	·162	·172	·187	·207	·238	·281	·343	·428
59	·139	·145	·151	·158	·168	·182	·202	·231	·274	·335	·418
60	·136	·141	·147	·154	·164	·177	·196	·225	·267	·327	·409
61	·133	·138	·143	·150	·160	·172	·191	·219	·261	·319	·400
62	·130	·134	·140	·147	·156	·168	·185	·213	·254	·311	·392
63	·127	·131	·137	·143	·152	·164	·180	·207	·247	·304	·385
64	·124	·128	·134	·140	·149	·160	·176	·202	·241	·297	·378

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Table B

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 55 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

Age of Husband next Birthday	Age of Wife next Birthday										
	15	20	25	30	35	40	45	50	55	60	65
20	6·05	6·38	6·81	7·35	8·01	8·86	9·93	11·33	13·18	15·70	19·31
21	5·81	6·13	6·54	7·06	7·69	8·51	9·53	10·88	12·66	15·07	18·49
22	5·57	5·88	6·27	6·77	7·37	8·16	9·14	10·44	12·14	14·45	17·68
23	5·34	5·64	6·01	6·48	7·06	7·81	8·76	10·00	11·63	13·84	16·89
24	5·11	5·40	5·75	6·20	6·75	7·47	8·38	9·57	11·13	13·24	16·11
25	4·89	5·16	5·49	5·92	6·45	7·13	8·01	9·15	10·64	12·65	15·34
26	4·67	4·93	5·24	5·65	6·15	6·80	7·65	8·74	10·16	12·07	14·59
27	4·46	4·70	4·99	5·38	5·86	6·48	7·29	8·33	9·69	11·50	13·87
28	4·25	4·48	4·75	5·12	5·57	6·17	6·94	7·93	9·24	10·95	13·17
29	4·05	4·26	4·52	4·86	5·29	5·86	6·59	7·54	8·79	10·42	12·49
30	3·85	4·05	4·29	4·61	5·02	5·56	6·25	7·16	8·35	9·90	11·83
31	3·66	3·84	4·07	4·37	4·76	5·27	5·92	6·78	7·92	9·40	11·19
32	3·47	3·64	3·86	4·14	4·50	4·99	5·60	6·42	7·50	8·91	10·58
33	3·29	3·45	3·66	3·92	4·25	4·71	5·29	6·07	7·10	8·43	9·99
34	3·11	3·26	3·46	3·70	4·01	4·44	4·99	5·73	6·70	7·96	9·43
35	2·93	3·08	3·26	3·49	3·78	4·18	4·70	5·40	6·32	7·50	8·89
36	2·76	2·90	3·07	3·28	3·56	3·93	4·42	5·07	5·94	7·05	8·37
37	2·60	2·73	2·88	3·08	3·34	3·69	4·15	4·76	5·58	6·62	7·87
38	2·44	2·56	2·70	2·89	3·13	3·45	3·88	4·46	5·22	6·20	7·39
39	2·29	2·39	2·53	2·70	2·92	3·22	3·62	4·16	4·87	5·79	6·92
40	2·14	2·23	2·36	2·52	2·72	3·00	3·37	3·87	4·53	5·39	6·47
41	1·99	2·07	2·19	2·34	2·52	2·78	3·12	3·59	4·20	5·00	6·02
42	1·84	1·92	2·03	2·16	2·33	2·57	2·88	3·31	3·88	4·62	5·58
43	1·70	1·77	1·87	1·98	2·14	2·36	2·64	3·04	3·56	4·25	5·14
44	1·56	1·62	1·71	1·81	1·96	2·15	2·41	2·77	3·25	3·89	4·71
45	1·42	1·47	1·55	1·64	1·78	1·95	2·18	2·50	2·94	3·53	4·28
46	1·28	1·32	1·39	1·47	1·60	1·75	1·95	2·23	2·64	3·17	3·85
47	1·14	1·17	1·23	1·31	1·42	1·55	1·73	1·97	2·34	2·82	3·43
48	1·00	1·03	·108	1·15	1·24	1·35	1·51	1·72	2·05	2·47	3·01
49	0·86	0·89	0·93	0·99	1·06	1·16	1·30	1·48	1·76	2·12	2·59
50	0·72	0·75	0·79	0·83	0·89	0·97	1·09	1·25	1·47	1·77	2·17
51	0·59	0·61	0·64	0·67	0·72	0·79	0·88	1·01	1·18	1·42	1·75
52	0·45	0·46	0·48	0·51	0·54	0·59	0·66	0·76	0·89	1·08	1·33
53	0·30	0·31	0·33	0·34	0·36	0·40	0·45	0·51	0·60	0·72	0·89
54	0·15	0·16	0·17	0·17	0·19	0·20	0·23	0·26	0·30	0·37	0·45

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Table B

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 56 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

Age of Husband next Birthday	Age of Wife next Birthday										
	15	20	25	30	35	40	45	50	55	60	65
21	5·85	6·17	6·58	7·10	7·74	8·56	9·59	10·95	12·72	15·15	18·63
22	5·61	5·92	6·31	6·81	7·42	8·21	9·21	10·51	12·21	14·55	17·82
23	5·38	5·68	6·04	6·53	7·11	7·86	8·83	10·08	11·71	13·95	17·02
24	5·15	5·44	5·78	6·25	6·80	7·52	8·45	9·65	11·22	13·35	16·24
25	4·93	5·20	5·53	5·97	6·50	7·19	8·08	9·23	10·74	12·76	15·48
26	4·72	4·97	5·28	5·69	6·20	6·87	7·71	8·82	10·27	12·18	14·74
27	4·51	4·74	5·04	5·42	5·91	6·55	7·35	8·42	9·81	11·61	14·02
28	4·30	4·52	4·80	5·16	5·63	6·24	7·00	8·02	9·35	11·06	13·32
29	4·10	4·31	4·57	4·91	5·35	5·93	6·66	7·63	8·90	10·53	12·64
30	3·90	4·10	4·35	4·67	5·08	5·63	6·33	7·25	8·46	10·02	11·98
31	3·71	3·90	4·13	4·44	4·82	5·34	6·01	6·88	8·03	9·52	11·34
32	3·52	3·70	3·92	4·21	4·57	5·06	5·70	6·52	7·62	9·03	10·73
33	3·34	3·51	3·71	3·99	4·33	4·79	5·39	6·17	7·22	8·56	10·15
34	3·16	3·32	3·51	3·77	4·09	4·52	5·09	5·83	6·83	8·10	9·60
35	2·99	3·14	3·32	3·56	3·86	4·26	4·80	5·50	6·45	7·65	9·07
36	2·83	2·96	3·13	3·36	3·64	4·01	4·52	5·18	6·08	7·21	8·56
37	2·67	2·79	2·95	3·16	3·42	3·77	4·25	4·87	5·72	6·78	8·06
38	2·51	2·62	2·77	2·97	3·21	3·54	3·99	4·57	5·37	6·36	7·58
39	2·36	2·46	2·60	2·78	3·01	3·32	3·73	4·28	5·02	5·96	7·12
40	2·21	2·30	2·43	2·60	2·81	3·10	3·48	4·00	4·68	5·57	6·68
41	2·06	2·15	2·27	2·42	2·62	2·89	3·23	3·73	4·35	5·19	6·25
42	1·92	2·00	2·11	2·25	2·43	2·68	2·99	3·46	4·03	4·82	5·82
43	1·78	1·85	1·95	2·08	2·25	2·47	2·76	3·19	3·72	4·46	5·39
44	1·64	1·70	1·79	1·91	2·07	2·27	2·53	2·92	3·42	4·10	4·97
45	1·50	1·56	1·64	1·75	1·89	2·07	2·31	2·66	3·13	3·75	4·55
46	1·36	1·42	1·49	1·59	1·71	1·87	2·10	2·40	2·84	3·40	4·13
47	1·22	1·28	1·34	1·43	1·54	1·68	1·89	2·15	2·55	3·06	3·72
48	1·09	1·14	1·19	1·27	1·37	1·49	1·68	1·91	2·26	2·72	3·31
49	0·96	1·00	1·05	1·11	1·20	1·30	1·47	1·67	1·98	2·38	2·90
50	0·84	0·87	0·91	0·96	1·03	1·12	1·26	1·44	1·70	2·04	2·50
51	0·70	0·73	0·76	0·80	0·86	0·94	1·05	1·21	1·42	1·71	2·10
52	0·57	0·59	0·62	0·65	0·70	0·76	0·85	0·97	1·14	1·38	1·70
53	0·43	0·45	0·47	0·49	0·52	0·57	0·64	0·73	0·86	1·04	1·28
54	0·29	0·30	0·32	0·33	0·35	0·38	0·43	0·49	0·58	0·70	0·87
55	0·15	0·15	0·16	0·17	0·18	0·20	0·22	0·25	0·29	0·36	0·44

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Table B

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 57 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

Age of Husband next Birthday	Age of Wife next Birthday										
	15	20	25	30	35	40	45	50	55	60	65
22	5·65	5·96	6·35	6·85	7·47	8·26	9·25	10·57	12·27	14·62	17·94
23	5·42	5·71	6·08	6·56	7·16	7·91	8·88	10·14	11·78	14·02	17·13
24	5·19	5·47	5·82	6·28	6·85	7·57	8·51	9·72	11·29	13·43	16·35
25	4·97	5·24	5·57	6·01	6·55	7·24	8·14	9·30	10·81	12·85	15·59
26	4·75	5·01	5·32	5·74	6·26	6·91	7·78	8·89	10·34	12·29	14·86
27	4·54	4·78	5·08	5·47	5·97	6·59	7·42	8·49	9·88	11·74	14·15
28	4·33	4·56	4·85	5·21	5·69	6·28	7·07	8·10	9·43	11·20	13·45
29	4·13	4·35	4·62	4·96	5·41	5·98	6·73	7·71	8·99	10·66	12·77
30	3·94	4·14	4·40	4·72	5·14	5·69	6·40	7·33	8·55	10·14	12·11
31	3·75	3·94	4·18	4·49	4·88	5·40	6·08	6·97	8·13	9·64	11·48
32	3·56	3·74	3·97	4·27	4·63	5·12	5·77	6·61	7·72	9·16	10·88
33	3·38	3·55	3·77	4·05	4·39	4·85	5·47	6·26	7·32	8·69	10·30
34	3·21	3·37	3·57	3·83	4·15	4·59	5·17	5·92	6·93	8·23	9·75
35	3·04	3·19	3·38	3·62	3·92	4·33	4·88	5·60	6·56	7·78	9·22
36	2·88	3·02	3·20	3·42	3·70	4·08	4·60	5·29	6·20	7·35	8·71
37	2·72	2·85	3·02	3·23	3·49	3·84	4·33	4·99	5·84	6·93	8·22
38	2·57	2·69	2·84	3·04	3·28	3·61	4·07	4·69	5·49	6·52	7·75
39	2·42	2·53	2·67	2·86	3·08	3·40	3·82	4·40	5·15	6·12	7·30
40	2·28	2·37	2·50	2·68	2·89	3·19	3·58	4·11	4·82	5·73	6·87
41	2·14	2·22	2·34	2·51	2·70	2·98	3·34	3·83	4·50	5·36	6·44
42	2·00	2·07	2·18	2·34	2·52	2·78	3·11	3·56	4·19	5·00	6·02
43	1·86	1·92	2·03	2·17	2·34	2·58	2·88	3·30	3·89	4·64	5·60
44	1·72	1·78	1·88	2·00	2·16	2·38	2·65	3·04	3·59	4·29	5·19
45	1·58	1·64	1·73	1·84	1·98	2·18	2·43	2·79	3·29	3·94	4·79
46	1·45	1·50	1·58	1·68	1·81	1·99	2·22	2·55	3·00	3·60	4·39
47	1·32	1·36	1·44	1·52	1·64	1·80	2·01	2·31	2·72	3·27	3·99
48	1·19	1·23	1·30	1·37	1·47	1·62	1·81	2·08	2·44	2·94	3·59
49	1·06	1·10	1·16	1·22	1·31	1·44	1·61	1·85	2·17	2·61	3·19
50	0·94	0·97	1·02	1·07	1·15	1·26	1·41	1·62	1·90	2·29	2·80
51	0·81	0·84	0·88	0·93	0·99	1·09	1·21	1·39	1·64	1·97	2·42
52	0·68	0·71	0·74	0·78	0·83	0·91	1·02	1·16	1·37	1·65	2·03
53	0·55	0·57	0·60	0·63	0·67	0·73	0·82	0·94	1·10	1·33	1·64
54	0·42	0·44	0·45	0·48	0·51	0·55	0·62	0·71	0·83	1·01	1·25
55	0·28	0·29	0·31	0·32	0·34	0·37	0·42	0·48	0·56	0·68	0·84
56	0·14	0·15	0·16	0·16	0·18	0·19	0·21	0·24	0·29	0·35	0·43

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Table B

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 58 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

Age of Husband next Birthday	Age of Wife next Birthday										
	15	20	25	30	35	40	45	50	55	60	65
23	5·45	5·75	6·12	6·60	7·20	7·96	8·92	10·20	11·84	14·10	17·24
24	5·22	5·51	5·86	6·32	6·89	7·62	8·56	9·78	11·36	13·52	16·45
25	5·00	5·28	5·61	6·05	6·59	7·29	8·20	9·36	10·89	12·94	15·70
26	4·79	5·05	5·37	5·79	6·29	6·97	7·84	8·96	10·43	12·38	14·97
27	4·58	4·83	5·13	5·53	6·00	6·66	7·49	8·57	9·98	11·82	14·26
28	4·38	4·61	4·89	5·27	5·72	6·35	7·14	8·18	9·53	11·28	13·56
29	4·18	4·40	4·66	5·02	5·45	6·05	6·80	7·79	9·08	10·76	12·88
30	3·98	4·19	4·44	4·77	5·19	5·75	6·46	7·41	8·64	10·24	12·23
31	3·79	3·99	4·23	4·53	4·94	5·46	6·14	7·05	8·22	9·74	11·61
32	3·61	3·80	4·02	4·30	4·69	5·18	5·83	6·70	7·80	9·26	11·02
33	3·43	3·61	3·82	4·08	4·45	4·91	5·53	6·35	7·40	8·80	10·45
34	3·26	3·42	3·62	3·87	4·21	4·65	5·23	6·01	7·02	8·34	9·90
35	3·09	3·24	3·43	3·67	3·98	4·40	4·95	5·68	6·66	7·90	9·37
36	2·93	3·06	3·24	3·47	3·76	4·16	4·68	5·37	6·30	7·48	8·86
37	2·77	2·89	3·06	3·28	3·55	3·93	4·42	5·07	5·95	7·06	8·38
38	2·62	2·73	2·89	3·09	3·35	3·71	4·16	4·78	5·61	6·66	7·92
39	2.47	2·58	2·73	2·91	3·16	3·49	3·91	4·50	5·27	6·26	7·48
40	2·33	2·43	2·57	2·74	2·97	3·27	3·67	4·22	4·94	5·88	7·05
41	2·19	2·28	2·41	2·57	2·78	3·06	3·43	3·95	4·63	5·50	6·63
42	2·05	2·14	2·26	2·40	2·60	2·86	3·20	3·68	4·33	5·14	6·21
43	1·91	2·00	2·11	2·24	2·42	2·66	2·97	3·42	4·03	4·78	5·80
44	1·78	1·86	1·96	2·08	2·24	2·47	2·75	3·17	3·73	4·44	5·40
45	1·60	1·72	1·81	1·92	2·07	2·28	2·54	2·92	3·44	4·12	5·00
46	1·52	1·59	1·67	1·77	1·90	2·09	2·33	2·68	3·16	3·80	4·61
47	1·39	1·46	1·53	1·62	1·74	1·91	2·13	2·45	2·89	3·48	4·22
48	1·27	1·33	1·39	1·47	1·58	1·73	1·93	2·22	2·62	3·16	3·84
49	1·15	1·20	1·25	1·32	1·42	1·55	1·74	2·00	2·35	2·84	3·46
50	1·03	1·07	1·12	1·18	1·27	1·38	1·55	1·78	2·09	2·52	3·08
51	0·91	0·94	0·99	1·04	1·12	1·21	1·36	1·56	1·84	2·21	2·71
52	0·79	0·81	0·86	0·90	0·97	1·05	1·17	1·34	1·59	1·90	2·34
53	0·67	0·68	0·72	0·76	0·81	0·89	0·98	1·12	1·33	1·60	1·97
54	0·54	0·55	0·58	0·61	0·65	0·72	0·79	0·90	1·07	1·29	1·59
55	0·41	0·42	0·44	0·46	0·49	0·54	0·60	0·68	0·81	0·98	1·21
56	0·28	0·29	0·30	0·31	0·33	0·36	0·40	0·46	0·54	0·66	0·82
57	0·14	0·15	0·15	0·16	0·17	0·18	0·21	0·24	0·28	0·34	0·42

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Table B

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 59 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund

Age of Husband next Birthday	Age of Wife Next Birthday										
	15	20	25	30	35	40	45	50	55	60	65
24	5·25	5·54	5·90	6·36	6·93	7·67	8·60	9·83	11·42	13·59	16·55
25	5·03	5·31	5·65	6·09	6·64	7·34	8·25	9·42	10·95	13·02	15·79
26	4·82	5·08	5·40	5·82	6·35	7·02	7·90	9·02	10·49	12·46	15·06
27	4·61	4·86	5·16	5·56	6·06	6·71	7·55	8·62	10·04	11·91	14·35
28	4·41	4·64	4·93	5·30	5·78	6·40	7·20	8·23	9·59	11·37	13·66
29	4·21	4·43	4·70	5·05	5·51	6·10	6·86	7·85	9·15	10·84	12·99
30	4·02	4·22	4·48	4·81	5·24	5·80	6·52	7·47	8·72	10·33	12·34
31	3·83	4·02	4·27	4·58	4·98	5·51	6·20	7·11	8·30	9·84	11·72
32	3·65	3·83	4·07	4·36	4·73	5·23	5·90	6·76	7·89	9·36	11·12
33	3·47	3·64	3·87	4·14	4·49	4·97	5·60	6·42	7·49	8·90	10·55
34	3·30	3·46	3·67	3·93	4·26	4·72	5·31	6·09	7·11	8·45	10·01
35	3·13	3·29	3·48	3·73	4·04	4·47	5·03	5·77	6·75	8·01	9·50
36	2·97	3·12	3·29	3·53	3·83	4·23	4·76	5·46	6·40	7·59	9·01
37	2·82	2·96	3·11	3·34	3·62	4·00	4·50	5·16	6·05	7·18	8·54
38	2·67	2·80	2·94	3·16	3·42	3·77	4·24	4·87	5·71	6·78	8·08
39	2·53	2·64	2·78	2·98	3·22	3·55	3·99	4·59	5·38	6·39	7·64
40	2·39	2·49	2·62	2·80	3·03	3·34	3·75	4·31	5·05	6·01	7·21
41	2·25	2·34	2·47	2·63	2·84	3·14	3·52	4·04	4·74	5·64	6·79
42	2·11	2·20	2·32	2·46	2·66	2·94	3·30	3·78	4·44	5·29	6·38
43	1·98	2·06	2·17	2·30	2·49	2·74	3·08	3·53	4·15	4·95	5·98
44	1·85	1·92	2·02	2·15	2·32	2·55	2·86	3·28	3·86	4·62	5·59
45	1·72	1·79	1·88	2·00	2·16	2·37	2·65	3·04	3·58	4·29	5·21
46	1·59	1·66	1·74	1·85	2·00	2·19	2·45	2·80	3·30	3·97	4·83
47	1·47	1·53	1·60	1·70	1·84	2·01	2·25	2·57	3·03	3·65	4·45
48	1·35	1·40	1·47	1·55	1·68	1·83	2·06	2·35	2·77	3·33	4·07
49	1·23	1·28	1·34	1·41	1·52	1·66	1·87	2·13	2·51	3·02	3·70
50	1·11	1·16	1·21	1·27	1·37	1·49	1·68	1·92	2·26	2·72	3·33
51	0·99	1·04	1·08	1·14	1·22	1·32	1·49	1·71	2·01	2·42	2·97
52	0·87	0·92	0·95	1·01	1·08	1·16	1·30	1·50	1·77	2·12	2·61
53	0·75	0·80	0·82	0·87	0·93	1·00	1·12	1·29	1·53	1·82	2·26
54	0·63	0·67	0·69	0·73	0·78	0·84	0·94	1·08	1·28	1·53	1·90
55	0·52	0·54	0·56	0·59	0·63	0·68	0·76	0·87	1·03	1·24	1·54
56	0·39	0·41	0·43	0·45	0·48	0·52	0·58	0·66	0·78	0·95	1·18
57	0·27	0·28	0·29	0·30	0·32	0·35	0·39	0·45	0·53	0·64	0·80
58	0·14	0·14	0·15	0·16	0·17	0·18	0·20	0·23	0·27	0·33	0·41

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Table B

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 60 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

Age of Husband next Birthday	Age of Wife next Birthday										
	15	20	25	30	35	40	45	50	55	60	65
25	5·06	5·34	5·68	6·12	6·67	7·38	8·29	9·47	11·01	13·09	15·88
26	4·84	5·11	5·44	5·85	6·38	7·06	7·92	9·06	10·53	12·52	15·15
27	4·63	4·89	5·20	5·59	6·09	6·75	7·56	8·65	10·08	11·97	14·44
28	4·43	4·67	4·97	5·34	5·81	6·44	7·22	8·26	9·64	11·43	13·75
29	4·24	4·46	4·74	5·09	5·54	6·14	6·89	7·89	9·21	10·91	13·09
30	4·05	4·26	4·52	4·85	5·28	5·85	6·57	7·53	8·79	10·41	12·45
31	3·86	4·06	4·30	4·62	5·03	5·57	6·26	7·18	8·38	9·93	11·83
32	3·68	3·87	4·09	4·40	4·78	5·30	5·96	6·83	7·98	9·46	11·24
33	3·51	3·68	3·89	4·18	4·54	5·03	5·66	6·49	7·59	9·00	10·67
34	3·34	3·50	3·70	3·97	4·31	4·77	5·37	6·16	7·21	8·55	10·13
35	3·17	3·33	3·52	3·77	4·09	4·52	5·09	5·84	6·84	8·11	9·62
36	3·01	3·16	3·34	3·57	3·88	4·28	4·82	5·53	6·49	7·69	9·13
37	2·86	3·00	3·17	3·38	3·68	4·05	4·56	5·23	6·14	7·28	8·66
38	2·71	2·84	3·00	3·20	3·48	3·83	4·31	4·94	5·80	6·88	8·21
39	2·57	2·69	2·84	3·03	3·29	3·62	4·07	4·67	5·47	6·50	7·77
40	2·43	2·54	2·68	2·86	3·10	3·41	3·83	4·40	5·15	6·13	7 35
41	2·29	2·39	2·53	2·69	2·92	3·21	3·60	4·14	4·84	5·78	6·94
42	2·16	2·25	2·38	2·53	2·74	3·01	3·38	3·88	4·54	5·44	6·54
43	2·03	2·11	2·23	2·37	2·57	2·82	3·16	3·63	4·25	5·10	6·15
44	1·90	1·98	2·09	2·22	2·40	2·63	2·95	3·39	3·97	4·77	5·77
45	1·78	1·85	1·95	2·07	2·23	2·45	2·74	3·15	3·70	4·44	5·39
46	1·66	1·72	1·81	1·92	2·07	2·27	2·54	2·92	3·44	4·12	5·02
47	1·54	1·59	1·68	1·78	1·91	2·10	2·35	2·69	3·18	3·81	4·65
48	1·42	1·47	1·55	1·64	1·76	1·93	2·16	2·47	2·92	3·50	4·28
49	1·30	1·35	1·42	1·50	1·61	1·76	1·97	2·26	2·67	3·20	3·92
50	1·19	1·23	1·29	1·36	1·46	1·60	1·79	2·05	2·42	2·91	3·56
51	1·07	1·11	1·16	1·22	1·31	1·44	1·61	1·84	2·17	2·62	3·21
52	0·95	0·99	1·03	1·09	1·17	1·28	1·43	1·64	1·93	2·33	2·86
53	0·84	0·87	0·91	0·96	1·03	1·12	1·25	1·44	1·69	2·05	2·52
54	0·73	0·75	0·79	0·83	0·89	0·97	1·08	1·24	1·46	1·77	2·18
55	0·62	0·64	0·67	0·70	0·75	0·82	0·91	1·04	1·23	1·49	1·85
56	0·50	0·52	0·54	0·57	0·61	0·66	0·74	0·84	0·99	1·21	1·50
57	0·39	0·40	0·42	0·44	0·46	0·50	0·56	0·64	0·76	0·92	1·15
58	0·26	0·27	0·28	0·30	0·31	0·34	0·38	0·43	0·51	0·62	0·78
59	0·13	0·14	0·14	0·15	0·16	0·17	0·19	0·22	0·26	0·32	0·40

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Table B

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 61 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

Age of Husband next birthday	Age of Wife next Birthday										
	15	20	25	30	35	40	45	50	55	60	65
26	4·88	5·15	5·47	5·89	6·41	7·10	7·98	9·12	10·61	12·60	15·23
27	4·67	4·92	5·22	5·62	6·12	6·78	7·61	8·72	10·14	12·04	14·52
28	4·47	4·70	4·99	5·37	5·85	6·48	7·27	8·34	9·69	11·51	13·84
29	4·27	4·49	4·77	5·13	5·58	6·18	6·94	7·96	9·26	10·99	13·18
30	4·08	4·29	4·55	4·89	5·32	5·89	6·62	7·59	8·85	10·49	12·54
31	3·89	4·09	4·34	4·66	5·07	5·60	6·31	7·22	8·45	10·00	11·92
32	3·71	3·90	4·13	4·44	4·83	5·32	6·01	6·87	8·06	9·53	11·33
33	3·54	3·72	3·93	4·23	4·59	5·06	5·72	6·54	7·67	9·07	10·77
34	3·37	3·54	3·74	4·02	4·36	4·81	5·43	6·22	7·29	8·63	10·24
35	3·21	3·37	3·56	3·82	4·14	4·57	5·15	5·91	6·92	8·20	9·73
36	3·06	3·20	3·39	3·63	3·93	4·34	4·88	5·61	6·56	7·78	9·25
37	2·91	3·04	3·22	3·44	3·73	4·11	4·62	5·32	6·21	7·38	8·79
38	2·76	2·88	3·05	3·26	3·53	3·89	4·37	5·03	5·88	6·99	8·34
39	2·62	2·73	2·89	3·08	3·34	3·68	4·13	4·75	5·56	6·61	7·91
40	2·48	2·58	2·73	2·91	3·15	3·47	3·90	4·48	5·25	6·24	7·49
41	2·34	2·44	2·58	2·75	2·97	3·27	3·67	4·22	4·95	5·88	7·08
42	2·21	2·30	2·43	2·59	2·80	3·07	3·45	3·96	4·65	5·53	6·69
43	2·08	2·17	2·28	2·43	2·63	2·88	3·23	3·71	4·36	5·20	6·30
44	1·95	2·04	2·14	2·28	2·46	2·70	3·02	3·47	4·08	4·88	5·92
45	1·83	1·91	2·00	2·13	2·30	2·52	2·82	3·24	3·81	4·57	5·55
46	1·71	1·79	1·86	1·98	2·14	2·35	2·63	3·01	3·55	4·26	5·18
47	1·59	1·67	1·73	1·84	1·99	2·18	2·44	2·79	3·30	3·96	4·82
48	1·48	1·55	1·60	1·70	1·84	2·01	2·26	2·58	3·05	3·66	4·46
49	1·37	1·43	1·48	1·57	1·69	1·85	2·08	2·37	2·80	3·36	4·11
50	1·26	1·31	1·36	1·44	1·55	1·69	1·90	2·17	2·56	3·07	3·76
51	1·15	1·19	1·24	1·32	1·41	1·53	1·73	1·97	2·32	2·79	3·42
52	1·04	1·07	1·12	1·20	1·27	1·38	1·56	1·77	2·09	2·51	3·09
53	0·93	0·96	1·00	1·07	1·13	1·23	1·39	1·58	1·86	2·24	2·76
54	0·82	0·85	0·88	0·94	1·00	1·08	1·22	1·39	1·63	1·97	2·44
55	0·71	0·74	0·77	0·81	0·86	0·94	1·05	1·20	1·41	1·71	2·13
56	0·60	0·62	0·65	0·68	0·73	0·79	0·88	1·01	1·19	1·44	1·80
57	0·49	0·51	0·53	0·55	0·59	0·64	0·71	0·82	0·96	1·17	1·46
58	0·37	0·39	0·40	0·42	0·45	0·49	0·54	0·62	0·73	0·90	1·12
59	0·25	0·26	0·28	0·29	0·31	0·33	0·37	0·42	0·50	0·61	0·76
60	0·13	0·13	0·14	0·15	0·16	0·17	0·19	0·21	0·25	0·31	0·39

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Table B

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 62 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

Age of Husband next Birthday	Age of Wife next Birthday										
	15	20	25	30	35	40	45	50	55	60	65
27	4·70	4·96	5·26	5·66	6·16	6·83	7·68	8·77	10·22	12·12	14·60
28	4·50	4·74	5·02	5·40	5·88	6·52	7·33	8·37	9·77	11·59	13·92
29	4·30	4·53	4·79	5·15	5·61	6·22	7·00	8·00	9·34	11·07	13·27
30	4·11	4·32	4·58	4·92	5·36	5·93	6·67	7·64	8·92	10·57	12·63
31	3·91	4·12	4·37	4·69	5·11	5·64	6·35	7·29	8·51	10·07	12·01
32	3·73	3·93	4·17	4·47	4·87	5·37	6·04	6·95	8·11	9·60	11·42
33	3·56	3·75	3·97	4·26	4·63	5·11	5·75	6·61	7·72	9·14	10·86
34	3·40	3·57	3·78	4·05	4·40	4·86	5·47	6·28	7·34	8·70	10·33
35	3·24	3·40	3·60	3·85	4·18	4·62	5·20	5·96	6·98	8·28	9·83
36	3·09	3·23	3·43	3·66	3·97	4·39	4·94	5·65	6·63	7·87	9·36
37	2·94	3·07	3·26	3·48	3·77	4·16	4·68	5·36	6·29	7·48	8·90
38	2·80	2·91	3·09	3·30	3·57	3·94	4·43	5·08	5·96	7·09	8·45
39	2·66	2·76	2·93	3·13	3·38	3·73	4·19	4·81	5·64	6·71	8·02
40	2·52	2·62	2·77	2·96	3·20	3·53	3·96	4·55	5·33	6·34	7·60
41	2·39	2·48	2·62	2·80	3·02	3·33	3·73	4·29	5·03	5·99	7·20
42	2·26	2·35	2·47	2·64	2·85	3·14	3·51	4·04	4·74	5·65	6·81
43	2·13	2·22	2·33	2·49	2·68	2·95	3·30	3·80	4·46	5·32	6·43
44	2·00	2·09	2·19	2·34	2·52	2·77	3·09	3·56	4·18	5·01	6·06
45	1·88	1·96	2·06	2·19	2·36	2·59	2·89	3·33	3·91	4·70	5·70
46	1·76	1·84	1·93	2·05	2·21	2·42	2·70	3·11	3·65	4·40	5·34
47	1·65	1·72	1·80	1·91	2·06	2·25	2·52	2·90	3·40	4·10	4·99
48	1·54	1·60	1·67	1·77	1·91	2·09	2·34	2·69	3·16	3·81	4·64
49	1·43	1·48	1·55	1·64	1·77	1·93	2·16	2·48	2·92	3·52	4·29
50	1·32	1·37	1·43	1·51	1·63	1·78	1·99	2·28	2·69	3·23	3·95
51	1·21	1·26	1·31	1·38	1·49	1·63	1·82	2·08	2·46	2·95	3·62
52	1·10	1·15	1·19	1·26	1·35	1·48	1·65	1·89	2·24	2·68	3·30
53	0·99	1·04	1·08	1·14	1·22	1·33	1·49	1·70	2·02	2·42	2·98
54	0·89	0·93	0·97	1·02	1·09	1·19	1·33	1·52	1·80	2·16	2·67
55	0·79	0·82	0·86	0·90	0·96	1·05	1·17	1·34	1·58	1·91	2·37
56	0·69	0·72	0·75	0·79	0·84	0·91	1·01	1·16	1·36	1·66	2·06
57	0·59	0·61	0·63	0·66	0·70	0·76	0·85	0·98	1·15	1·40	1·74
58	0·48	0·49	0·51	0·54	0·57	0·62	0·69	0·79	0·93	1·14	1·42
59	0·36	0·38	0·39	0·41	0·44	0·47	0·53	0·60	0·71	0·87	1·09
60	0·25	0·26	0·27	0·28	0·30	0·32	0·36	0·41	0·48	0·59	0·74
61	0·13	0·13	0·14	0·14	0·15	0·16	0·18	0·21	0·25	0·30	0·38

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Table B

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 63 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

Age of Husband next Birthday	Age of Wife next Birthday										
	15	20	25	30	35	40	45	50	55	60	65
28	4·52	4·77	5·06	5·44	5·92	6·56	7·38	8·43	9·83	11·65	13·99
29	4·32	4·56	4·83	5·19	5·65	6·26	7·04	8·05	9·40	11·13	13·33
30	4·13	4·35	4·61	4·95	5·39	5·97	6·71	7·69	8·97	10·63	12·70
31	3·93	4·14	4·40	4·71	5·13	5·68	6·39	7·34	8·55	10·15	12·09
32	3·75	3·94	4·20	4·49	4·88	5·41	6·09	7·00	8·16	9·68	11·51
33	3·58	3·76	4·00	4·28	4·65	5·15	5·80	6·67	7·78	9·23	10·95
34	3·42	3·59	3·81	4·08	4·43	4·90	5·52	6·34	7·41	8·79	10·42
35	3·27	3·43	3·63	3·89	4·22	4·66	5·25	6·02	7·05	8·36	9·92
36	3·12	3·27	3·45	3·70	4·01	4·43	4·99	5·71	6·70	7·94	9·45
37	2·97	3·11	3·28	3·52	3·80	4·21	4·74	5·42	6·36	7·54	8·99
38	2·83	2·96	3·12	3·34	3·61	3·99	4·49	5·14	6·03	7·15	8·55
39	2·69	2·81	2·96	3·17	3·43	3·78	4·25	4·87	5·71	6·78	8·12
40	2·55	2·66	2·81	3·00	3·25	3·58	4·02	4·61	5·40	6·43	7·71
41	2·42	2·52	2·66	2·84	3·08	3·39	3·79	4·36	5·10	6·09	7·32
42	2·29	2·39	2·52	2·68	2·91	3·20	3·57	4·11	4·81	5·76	6·94
43	2·17	2·26	2·38	2·53	2·74	3·01	3·36	3·87	4·53	5·43	6·56
44	2·05	2·13	2·24	2·38	2·58	2·83	3·16	3·63	4·26	5·11	6·19
45	1·93	2·00	2·11	2·24	2·42	2·65	2·96	3·40	4·00	4·80	5·83
46	1·82	1·88	1·98	2·10	2·27	2·48	2·77	3·18	3·75	4·50	5·47
47	1·71	1·76	1·85	1·97	2·12	2·31	2·59	2·97	3·50	4·21	5·12
48	1·60	1·65	1·73	1·84	1·98	2·15	2·41	2·77	3·26	3·92	4·78
49	1·49	1·54	1·61	1·71	1·84	2·00	2·24	2·57	3·03	3·64	4·45
50	1·38	1·43	1·49	1·58	1·70	1·85	2·08	2·38	2·80	3·37	4·12
51	1·27	1·32	1·38	1·46	1·57	1·71	1·92	2·19	2·58	3·10	3·80
52	1·17	1·21	1·27	1·34	1·44	1·57	1·76	2·01	2·36	2·84	3·49
53	1·07	1·10	1·16	1·22	1·31	1·43	1·60	1·83	2·15	2·58	3·19
54	0·97	1·00	1·05	1·10	1·18	1·29	1·44	1·65	1·94	2·33	2·89
55	0·87	0·90	0·94	0·99	1·05	1·15	1·28	1·47	1·73	2·09	2·60
56	0·77	0·80	0·84	0·88	0·93	1·01	1·13	1·29	1·52	1·85	2·30
57	0·67	0·69	0·73	0·76	0·81	0·88	0·98	1·12	1·32	1·61	2·00
58	0·57	0·59	0·61	0·64	0·68	0·74	0·82	0·94	1·11	1·36	1·69
59	0·46	0·48	0·50	0·52	0·55	0·60	0·67	0·76	0·90	1·11	1·38
60	0·35	0·37	0·38	0·40	0·43	0·46	0·51	0·58	0·69	0·85	1·06
61	0·24	0·25	0·26	0·27	0·29	0·31	0·35	0·40	0·47	0·58	0·72
62	0·12	0·13	0·13	0·14	0·15	0·16	0·18	0·20	0·24	0·30	0·37

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Table B

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 64 NEXT BIRTHDAY WHEN THEY COMPLETE THEIR PERIOD OF CONTRIBUTION.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund.

Age of Husband next Birthday	Age of Wife next Birthday										
	15	20	25	30	35	40	45	50	55	60	65
29	4·34	4·58	4·86	5·22	5·68	6·29	7·08	8·10	9·44	11·19	13·40
30	4·16	4·37	4·64	4·98	5·42	6·00	6·74	7·73	9·02	10·69	12·77
31	3·97	4·17	4·43	4·74	5·17	5·72	6·43	7·37	8·60	10·20	12·15
32	3·79	3·98	4·23	4·52	4·93	5·45	6·13	7·03	8·21	9·73	11·56
33	3·62	3·80	4·03	4·31	4·70	5·19	5·84	6·70	7·83	9·28	11·00
34	3·45	3·63	3·84	4·11	4·47	4·94	5·56	6·38	7·46	8·85	10·48
35	3·29	3·46	3·66	3·92	4·25	4·70	5·29	6·07	7·10	8·43	9·99
36	3·14	3·29	3·48	3·74	4·04	4·47	5·03	5·77	6·75	8·02	9·53
37	2·99	3·13	3·31	3·56	3·84	4·25	4·78	5·48	6·41	7·62	9·08
38	2·85	2·98	3·15	3·38	3·65	4·03	4·54	5·20	6·08	7·24	8·64
39	2·71	2·83	2·99	3·21	3·47	3·82	4·30	4·93	5·77	6·87	8·22
40	2·58	2·69	2·84	3·04	3·29	3·62	4·07	4·67	5·47	6·51	7·81
41	2·45	2·55	2·70	2·87	3·12	3·43	3·84	4·42	5·18	6·17	7·42
42	2·33	2·42	2·56	2·71	2·95	3·24	3·62	4·17	4·90	5·84	7·04
43	2·21	2·29	2·42	2·56	2·79	3·06	3·41	3·93	4·62	5·52	6·67
44	2·09	2·16	2·28	2·42	2·63	2·88	3·21	3·70	4·35	5·21	6·31
45	1·97	2·04	2·15	2·28	2·47	2·71	3·02	3·48	4·09	4·91	5·95
46	1·86	1·92	2·02	2·15	2·32	2·54	2·84	3·26	3·84	4·61	5·60
47	1·75	1·81	1·90	2·02	2·17	2·38	2·66	3·05	3·59	4·32	5·25
48	1·64	1·70	1·78	1·89	2·03	2·22	2·49	2·85	3·35	4·04	4·91
49	1·53	1·59	1·66	1·76	1·89	2·07	2·32	2·66	3·12	3·76	4·58
50	1·43	1·48	1·55	1·64	1·76	1·92	2·15	2·47	2·90	3·49	4·27
51	1·33	1·37	1·44	1·52	1·63	1·78	1·99	2·29	2·69	3·23	3·97
52	1·23	1·27	1·33	1·40	1·50	1·64	1·83	2·11	2·48	2·98	3·67
53	1·13	1·17	1·22	1·28	1·38	1·50	1·68	1·93	2·27	2·73	3·38
54	1·03	1·07	1·11	1·17	1·26	1·37	1·53	1·75	2·06	2·49	3·09
55	0·94	0·97	1·01	1·06	1·14	1·24	1·38	1·58	1·86	2·25	2·80
56	0·84	0·86	0·90	0·95	1·02	1·10	1·23	1·41	1·66	2·01	2·51
57	0·74	0·76	0·79	0·84	0·90	0·97	1·08	1·24	1·46	1·77	2·22
58	0·64	0·66	0·68	0·73	0·78	0·84	0·93	1·07	1·26	1·54	1·93
59	0·54	0·56	0·58	0·62	0·66	0·71	0·79	0·90	1·07	1·31	1·64
60	0·45	0·46	0·48	0·51	0·54	0·58	0·65	0·74	0·88	1·08	1·35
61	0·34	0·36	0·37	0·39	0·41	0·44	0·49	0·57	0·67	0·82	1·03
62	0·23	0·24	0·25	0·27	0·28	0·30	0·33	0·38	0·46	0·56	0·71
63	0·12	0·12	0·13	0·14	0·14	0·16	0·17	0·20	0·24	0·29	0·37

M 33——J. N. R 7598 (4/60)

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Table B

THIS SECTION OF TABLE B IS APPLICABLE ONLY TO THE CASE OF OFFICERS WHO WILL BE AGED 65 NEXT BIRTHDAY, OR WHO WILL HAVE ATTAINED THE AGE OF 65 BEFORE HAVING CONTRIBUTED FOR 35 YEARS.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution after entry into the Fund, or on his attaining the age of 65, whichever shall first happen.

Age of Husband next Birthday	Age of Wife next Birthday										
	15	20	25	30	35	40	45	50	55	60	65
30	4·17	4·39	4·66	5·00	5·44	6·03	6·78	7·77	9·06	10·74	12·83
31	4·00	4·20	4·46	4·78	5·20	5·77	6·47	7·43	8·67	10·29	12·24
32	3·83	4·01	4·26	4·56	4·96	5·51	6·17	7·10	8·29	9·84	11·67
33	3·66	3·83	4·07	4·35	4·73	5·25	5·88	6·77	7·91	9·39	11·12
34	3·49	3·65	3·88	4·15	4·50	4·99	5·60	6·44	7·53	8·94	10·59
35	3·32	3·48	3·69	3·95	4·28	4·73	5·33	6·11	7·16	8·49	10·07
36	3·16	3·31	3·51	3·76	4·07	4·48	5·07	5·79	6·88	8·07	9·58
37	3·01	3·15	3·34	3·58	3·87	4·25	4·82	5·49	6·46	7·68	9·12
38	2·87	3.00	3·18	3·41	3·68	4·04	4·58	5·21	6·14	7·30	8·69
39	2·74	2·86	3·02	3·24	3·50	3·85	4·34	4·96	5·83	6·93	8·28
40	2·61	2·72	2·87	3·07	3·32	3·66	4·11	4·72	5·53	6·58	7·89
41	2·48	2·58	2·73	2·91	3·15	3·47	3·89	4·48	5·24	6·24	7·51
42	2·36	2·45	2·59	2·76	2·98	3·29	3·68	4·24	4·96	5·92	7·14
43	2·24	2·32	2·45	2·61	2·82	3·11	3·47	4·00	4·69	5·60	6·77
44	2·12	2·20	2·32	2·47	2·66	2·93	3·27	3·77	4·42	5·29	6·41
45	2·00	2·08	2·19	2·33	2·51	2·76	3·08	3·54	4·16	4·99	6·06
46	1·89	1·97	2·07	2·20	2·36	2·59	2·89	3·32	3·91	4·69	5·72
47	1·78	1·86	1·95	2·07	2·22	2·43	2·71	3·11	3·67	4·40	5·38
48	1·67	1·75	1·83	1·94	2·08	2·27	2·54	2·91	3·44	4·12	5·05
49	1·57	1·64	1·71	1·81	1·94	2·12	2·38	2·73	3·22	3·86	4·73
50	1·47	1·53	1·60	1·69	1·81	1·98	2·22	2·55	3·00	3·60	4·41
51	1·37	1·43	1·49	1·57	1·68	1·84	2·06	2·37	2·79	3·35	4·10
52	1·27	1·33	1·38	1·46	1·56	1·71	1·91	2·19	2·58	3·11	3·81
53	1·17	1·23	1·28	1·35	1·44	1·58	1·76	2·02	2·38	2·87	3·53
54	1·08	1·13	1·18	1·24	1·32	1·45	1·61	1·85	2·18	2·63	3·25
55	0·99	1·03	1·08	1·13	1·21	1·32	1·47	1·68	1·98	2·40	2·98
56	0·90	0·93	0·98	1·02	1·10	1·20	1·33	1·52	1·79	2·17	2·71
57	0·81	0·83	0·88	0·91	0·99	1·08	1·19	1·36	1·60	1·94	2·44
58	0·72	0·73	0·78	0·80	0·88	0·95	1·05	1·20	1·42	1·72	2·16
59	0·63	0·64	0·68	0·70	0·76	0·82	0·91	1·04	1·23	1·50	1·88
60	0·53	0·55	0·57	0·60	0·64	0·69	0·77	0·88	1·04	1·28	1·60
61	0.43	0·45	0·47	0·49	0·52	0·56	0·62	0·72	0·85	1·04	1·31
62	0·33	0·34	0·36	0·38	0·40	0·43	0·48	0·55	0·65	0·80	1·01
63	0·23	0·24	0·25	0·26	0·27	0·30	0·32	0·37	0·44	0·55	0·69
64	0·12	0·12	0·13	0·13	0·14	0·15	0·17	0·19	0·23	0·28	0·36

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Table C

The Single Contribution which will secure a Yearly Pension of 1, payable by Monthly Instalments

Age of Husband next Birthday	Age of Wife next Birthday										
	15	20	25	30	35	40	45	50	55	60	65
15	1·920	1·816	1·702	1·580	1·451	1·318	1·178	1·028	·878	·733	·600
16	1·971	1·865	1·748	1·623	1·490	1·352	1·207	1·055	·903	·755	·615
17	2·026	1·919	1·797	1·668	1·531	1·388	1·238	1·084	·929	·778	·631
18	2·085	1·975	1·849	1·716	1·575	1·427	1·272	1·115	·956	·802	·649
19	2·147	2·034	1·905	1·768	1·621	1·468	1·308	1·147	·985	·826	·670
20	2·212	2·095	1·964	1·822	1·670	1·511	1·347	1·181	1·015	·852	·693
21	2·280	2·159	2·025	1·879	1·723	1·557	1·388	1·217	1·046	·879	·717
22	2·352	2·226	2·089	1·939	1·778	1·606	1·431	1·255	1·079	·907	·741
23	2·427	2·297	2·157	2·002	1·836	1·658	1·477	1·295	1·114	·936	·767
24	2·505	2·372	2·228	2·068	1·898	1·714	1·525	1·337	1·150	·967	·794
25	2·585	2·451	2·302	2·138	1·962	1·773	1·577	1·381	1·187	·999	·824
26	2·668	2·533	2·379	2·211	2·029	1·834	1·631	1·427	1·226	1·033	·855
27	2·755	2·618	2·459	2·287	2·099	1·897	1·687	1·475	1·267	1·068	·887
28	2·846	2·706	2·543	2·366	2·173	1·964	1·746	1·525	1·310	1·104	·920
29	2·942	2·797	2·631	2·449	2·250	2·033	1·808	1·578	1·354	1·142	·954
30	3·043	2·892	2·722	2·535	2·330	2·106	1·872	1·633	1·400	1·182	·989
31	3·146	2·991	2·816	2·624	2·413	2·183	1·940	1·691	1·448	1·223	1·026
32	3·251	3·093	2·913	2·717	2·499	2·262	2·010	1·752	1·498	1·265	1·064
33	3·358	3·199	3·013	2·812	2·588	2·343	2·082	1·814	1·550	1·309	1·102
34	3·468	3·307	3·117	2·910	2·680	2·426	2·157	1·878	1·604	1·354	1·141
35	3·580	3·418	3·224	3·010	2·774	2·511	2·234	1·944	1·661	1·401	1·180
36	3·695	3·532	3·334	3·113	2·870	2·598	2·313	2·012	1·720	1·450	1·219
37	3·814	3·649	3·448	3·220	2·968	2·688	2·394	2·083	1·781	1·501	1·259
38	3·936	3·769	3·565	3·330	3·070	2·781	2·478	2·157	1·844	1·553	1·300
39	4·062	3·893	3·685	3·444	3·175	2·879	2·566	2·234	1·909	1·606	1·342
40	4·190	4·019	3·808	3·562	3·285	2·982	2·659	2·315	1·976	1·660	1·385
41	4·320	4·148	3·834	3·684	3·399	3·089	2·757	2·399	2·045	1·715	1·428
42	4·453	4·280	4·063	3·808	3·517	3·199	2·857	2·485	2·116	1·772	1·472
43	4·590	4·415	4·195	3·936	3·639	3·313	2·960	2·574	2·190	1·831	1·517
44	4·730	4·552	4·330	4·067	3·765	3·430	3·065	2·665	2·267	1·892	1·564
45	4·875	4·693	4·468	4·202	3·896	3·550	3·172	2·759	2·346	1·956	1·614
46	5·024	4·838	4·610	4·340	4·031	3·673	3·281	2·855	2·428	2·024	1·667
47	5·175	4·984	4·754	4·480	4·168	3·798	3·392	2·953	2·512	2·093	1·721
48	5·329	5·132	4·900	4·623	4·308	3·927	3·507	3·054	2·599	2·164	1·776
49	5·485	5·284	5·048	4·771	4·450	4·058	3·626	3·158	2·688	2·236	1·831
50	5·643	5·438	5·199	4·922	4·594	4·194	3·749	3·267	2·779	2·311	1·887
51	5·805	5·593	5·352	5·075	4·740	4·333	3·876	3·381	2·873	2·389	1·943
52	5·969	5·750	5·507	5·230	4·888	4·473	4·005	3·496	2·969	2·466	1·999
53	6·135	5·910	5·663	5·386	5·038	4·615	4·136	3·611	3·066	2·543	2·056
54	6·303	6·072	5·821	5·544	5·190	4·759	4·269	3·727	3·164	2·619	2·113
55	6·474	6·236	5·982	5·704	5·344	4·905	4·404	3·844	3·264	2·694	2·170
56	6·647	6·403	6·145	5·862	5·498	5·052	4·541	3·961	3·363	2·768	2·228
57	6·821	6·572	6·309	6·019	5·652	5·201	4·680	4·079	3·460	2·841	2·284
58	6·997	6·743	6·474	6·176	5·807	5·351	4·820	4·199	3·556	2·914	2·339
59	7·175	6·915	6·641	6·333	5·961	5·501	4·962	4·320	3·650	2·987	2·393
60	7·355	7·089	6·809	6·491	6·115	5·652	5·105	4·442	3·743	3·060	2·446
61	7·536	7·265	6·978	6·651	6·268	5·803	5·249	4·566	3·837	3·135	2·498
62	7·718	7·442	7·148	6·812	6·421	5·955	5·395	4·693	3·936	3·211	2·548
63	7·901	7·621	7·319	6·973	6·574	6·107	5·543	4·823	4·041	3·288	2·597
64	8·086	7·801	7·490	7·135	6·727	6·257	5·693	4·955	4·151	3·365	2·644

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CHAPTER 432

SCHOOL TEACHERS PENSION

Act No. 44 of 1953.

AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE GRANT OF PENSIONS, GRATUITIES OR OTHER ALLOWANCES TO TEACHERS AND TO THE WIVES AND CHILDREN OF MALE TEACHERS, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[*19th December, 1953.*]

Short title.

1. This Act may be cited as the School Teachers Pension Act.

Establishment of a pension scheme.

2. (1) There shall be a pension scheme for the grant of pensions, gratuities or other allowances to teachers (hereinafter referred to as " the pension scheme ").

(2) The pension scheme, which has been established under the School Teachers Pension Ordinance, No. 6 of 1927, *and which is in existence on the day immediately preceding the date of the commencement of this Act, shall be the pension scheme established for the purposes of this Act.

Regulations for the pension scheme.

3. (1) Regulations may be made under this Act providing for the regulation, administration and management of the pension scheme, the conditions and circumstances in which, and the restrictions subject to which, teachers will be eligible for the grant of pensions, gratuities or other allowances, fixing the contributions to be made thereto by teachers, and the payments to be made thereunder to teachers, authorizing the contributions of teachers to be deducted from their salaries, prescribing the procedure for making such deductions, authorizing the payment of such contributions into the Consolidated Fund, and all matters incidental to or connected with such scheme for which no express provision is made in this Act.

*Repealed by Act No. 44 of 1953.

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(2) Without prejudice to the generality of the provisions of subsection (1), regulations made under that subsection in respect of any matter may make provision similar to that made in respect of the same matter in the Minutes regulating the pensions or gratuities to be granted to public servants.

Establishment of widows' and orphans' pension fund.

4. There may, in accordance with regulations made under this Act, be established and regulated a widows' and orphans' pension fund for the grant of pensions to the widows and children of male teachers (hereinafter referred to as "the pension fund").

Regulations for the pension fund.

5. (1) Regulations may be made under this Act providing for the establishment, regulation, administration and management of the pension fund, the conditions and circumstances in which, and the restrictions subject to which, the widows and children of male teachers will be eligible for the grant of pensions, fixing the contributions, if any, to be made thereto by the Government, fixing the contributions to be made thereto by male teachers, authorizing the contributions of male teachers to be deducted from their salaries, prescribing the procedure for making such deductions, authorizing the payment of all such contributions into the fund, authorizing the investment of moneys paid into the fund and all matters incidental to or connected with the fund for which no express provision is made in this Act.

(2) Without prejudice to the generality of the provisions of subsection (1), regulations made under that subsection in respect of any matter may make provision similar to that made in respect of the same matter in the Widows' and Orphans' Pension Fund Ordinance.

(3) Regulations made under this Act in respect of the pension fund may be made applicable, either with or without modification, to persons and the widows and children of persons, who, having held posts as teachers and thereby contributed to the fund, have

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ceased to hold such posts whether by reason of retirement or otherwise, and the provisions of this Act relating to the fund shall be construed accordingly. Without prejudice to the generality of the preceding provisions of this subsection, regulations made for the purpose aforesaid may provide for the deduction of the contributions of such persons from the pensions, if any, received by them under the pension scheme or from the Government.

Cost of establishment, &c., to be a charge on the Consolidated Fund.

6. The cost of establishment and other expenses incidental to the management and administration of the pension scheme and pension fund, all contributions payable by the Government under this Act, and all pensions, gratuities or other allowances payable to teachers under this Act, shall be a charge on the Consolidated Fund.

Contributions, &c., not to be assigned or attached.

7. No contribution, pension, gratuity or other allowance payable under this Act shall be assignable or transferable or liable to be attached, sequestered or levied upon, in execution of any decree or order of any court, for, or in respect of, any debt or claim whatsoever.

No absolute right to pension.

8. (1) No person shall have any absolute right to the grant of any pension, gratuity or other allowance under this Act.

(2) Nothing in this Act or in any regulations made thereunder shall be deemed or construed to limit any power or right to dismiss without compensation any person employed as a teacher.

(3) Nothing in this Act or in any regulations made thereunder shall entitle any person to receive in respect of the same period of service more than one pension out of the public funds of Ceylon.

Minister to make regulations.

9. (1) The Minister may make regulations in respect of all matters for which regulations are authorized to be made under this Act.

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(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation from the date on which it is so published or from such other date as may be specified therein.

(3) Every regulation made by the Minister shall, as soon as practicable, be brought before the Senate and the House of Representatives by motions that such regulation shall be approved.

(4) Any regulation which the Senate or the House of Representatives refuses to approve shall be deemed to be rescinded but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation. The date on which a regulation shall be so deemed to be rescinded shall be the date on which the Senate or the House of Representatives refuses to approve it.

(5) Notification of the date on which any regulation made by the Minister is deemed to be rescinded shall be published in the Gazette.

Interpretation.

10. In this Act the expression "teachers" means teachers employed—

(*a*) in any school maintained wholly or partly from the public funds of Ceylon ; or

(*b*) in any unaided school as defined in the Education Ordinance, and in relation to which the provisions of section 49 of that Ordinance have been complied with.

Savings.

11. (1) Notwithstanding anything in Ordinance No. 6 of 1927, * any rule made under that Ordinance and in force on the day immediately preceding the date of the commencement of this Act, authorizing the levy of contributions from teachers to any pension scheme established under that Ordinance, shall be deemed to have been validly made and to have had the force of law.

(2) All rules made under Ordinance No. 6 of 1927 * which are in force on the day immediately preceding the date of the commencement of this Act shall, in

* Repealed by Act No. 44 of 1953.

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so far as they are not inconsistent with the provisions of this Act, be deemed to be regulations made under this Act, and accordingly shall continue in force until they are amended or rescinded by regulations made thereunder. Any regulation amending or rescinding any such rule may be declared to be effective from any date specified therein. Such date may be a date prior or subsequent to the date of the commencement of this Act.

Date from which certain provisions are to have effect.

12. The provisions of sections 4 and 5, and the other provisions of this Act in their application in the case of the pension fund, shall have effect and be deemed to have had effect from the 1st day of October, 1951, and accordingly regulations made under this Act in respect of such fund may be declared to be effective as from the said day.

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CHAPTER 433

TEACHERS' PENSIONS (WAR SERVICE)

AN ORDINANCE TO ENABLE WAR SERVICE TO BE TREATED AS RECORDED SERVICE FOR THE PURPOSES OF THE SCHOOL TEACHERS' PENSION RULES.

Ordinance No. 53 of 1941.

[*12th December, 1941.*]

1. This Ordinance may be cited as the Teachers' Pensions (War Service) Ordinance.

Short title.

2. Where any teacher has, between the 2nd day of September, 1939, and the 2nd day of May, 1941, been granted leave in order to undertake war service, his period of war service shall be treated for the purposes of the School Teachers' Pension Rules as if it were a period of recorded service within the meaning of those rules.

War service to be treated as recorded service for the purposes of the School Teachers' Pension Rules.

3. In this Ordinance—

Interpretation.

"School Teachers' Pension Rules" means the rules made under section 4 of the School Teachers Pension Ordinance, No. 6 of 1927,* and published in Gazette No. 7,631 of February 24, 1928, as amended by any subsequent rule;

"teacher" has the same meaning as in the School Teachers Pension Ordinance, No. 6 of 1927;*

"war service" means service in any of His Majesty's forces and includes service in such civil employment, connected with the defence of Ceylon, the prosecution of the war, or the maintenance of essential supplies or services, as may have been approved by the Director of Education; "His Majesty's forces" includes the Ceylon Defence Force and the Ceylon Naval Volunteer Force.

* Repealed by Act No. 44 of 1953.

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CHAPTER 434

PUBLIC SERVICE PROVIDENT FUND

Ordinances Nos. 18 of 1942, 23 of 1947, *Acts* Nos. 33 of 1952, 46 of 1954.

AN ORDINANCE TO MAKE PROVISION FOR THE ESTABLISHMENT OF A PROVIDENT FUND, FOR THE GRANT THEREFROM OF BENEFITS TO CERTAIN NON-PENSIONABLE EMPLOYEES OF THE GOVERNMENT, AND FOR OTHER MATTERS INCIDENTAL TO OR CONNECTED WITH THE PURPOSES AFORESAID.

[*1st April, 1942.*]

Short title.

1. This Ordinance may be cited as the Public Service Provident Fund Ordinance.

Establishment of the fund.

2. (1) A fund to be known as the Public Service Provident Fund is hereby established for the grant of benefits, as hereinafter provided, to those non-pensionable employees of the Government whose posts or offices are specified or described in the Schedule.

(2) A general account for the fund and a separate account for each contributor to the fund shall be opened and kept at the Treasury in such manner as the Deputy Secretary to the Treasury[1] may direct.

Control and management of the fund.

3. (1) The control and management of the fund are hereby vested in a board of management consisting of—

(*a*) the Deputy Secretary to the Treasury ;[1]

(*b*) the Solicitor-General ;

(*c*) two persons, each of whom is the head of a department of Government or the deputy or principal assistant to the head of such a department ; and

(*d*) one person who is a contributor to the fund.

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(2) The persons referred to in paragraphs (*c*) and (*d*) of subsection (1) shall be appointed to the board by the Minister of Finance.[3]

(3) The Deputy Secretary to the Treasury[1] shall be the chairman of the board.

Compulsory contributions to the fund.

4. (1) Subject to the provisions of section 8, every scheduled employee shall, until the termination of his service with the Government, pay, each month, as a compulsory contribution to the fund, an amount equivalent to one-twentieth of his monthly salary.

(2) The compulsory contribution of a scheduled employee for any month shall, subject as hereinafter provided, be calculated on the full monthly salary of such employee notwithstanding that the amount received as salary for that month is less than the full monthly salary or that no amount whatever is received by way of salary for that month:

Provided that, where a contributor is on half-salary or no salary for a period exceeding two months continuously, he may elect to contribute, in respect of that part of the period which exceeds two months, at the rate of one-twentieth of any salary which he receives.

(3) The contribution required or authorized to be paid by a scheduled employee under the preceding provisions of this section shall be paid in rupees and shall be calculated in rupees on the salary payable to such employee when he is employed in Ceylon. Such contribution may be deducted from the salary of such employee by the Deputy Secretary to the Treasury[1] or by the Crown Agents in a case where such salary is paid by the Crown Agents ; and, when so deducted, shall be credited to the fund.

(4) Where any deduction is made by the Crown Agents under subsection (3) from the salary of any scheduled employee, such employee shall be entitled to receive from the Crown Agents the equivalent in sterling of the balance of such salary calculated at the rate at which such employee is entitled to receive such salary in England.

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Voluntary contributions to the fund.

5. Subject as hereinafter provided and subject to such conditions as may be prescribed, a scheduled employee may, in addition to his compulsory contribution, pay as a voluntary contribution to the fund an amount not exceeding one-twentieth of his full monthly salary :

Provided that the rate at which any such voluntary contribution is calculated shall not be varied except at half-yearly intervals.

Modification of sections 2, 4 and 5 in certain cases. [§ 2, 23 of 1947.]

6. Notwithstanding anything in sections 2, 4 and 5, a person who becomes a scheduled employee on or after such date * as may be specified by the Governor-General [3] for the purposes of this section by Order published in the Gazette, not being a date earlier than the 1st day of March, 1947, shall not be entitled to contribute to the fund or to receive any benefits therefrom unless the salary of such person is payable at a monthly rate.

Bonuses.

7. (1) At the close of each financial year, the general account of the fund shall be credited by the Deputy Secretary to the Treasury [1] with a sum equivalent to one and a half times the aggregate of the compulsory contributions made by all the contributors during that financial year ; and the separate account of each contributor shall be provisionally credited with a sum equivalent to one and a half times the aggregate of the compulsory contributions made by him during that financial year.

(2) Each sum so credited to the separate account of a contributor shall be called a bonus.

Premiums on life policies may be regarded as contributions to the fund.

8. (1) Every contributor may, in lieu of the whole or any portion of the compulsory contribution under section 4, pay an equivalent sum towards a policy of assurance on his own life in the manner and subject to such conditions as may be prescribed by regulation.

* 1st July, 1951.—Gazette No. 10,258 of 15th June, 1951.

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(2) Such payment shall be deemed to have been contributed to the fund for the purpose of calculating any bonus under section 7, but not for the purpose of the calculation or payment of interest under sections 11, 12 and 14. [§ 3, 23 of 1947.]

(3) No premium paid on or in respect of a policy of life assurance shall be deemed, under subsection (1), to be paid to the fund, if, at the time such premium is paid, the policy has been assigned or is subject to any hypothecation or charge whatsoever.

(4) In this section, "policy of life assurance" means a policy issued to a contributor by an insurer approved by the board whereby the payment of a fixed sum is assured on the death of the contributor or on his attaining the age of fifty-five years or any higher age specified in the policy.

Investment of moneys paid into the fund.

9. Moneys paid into the fund shall, so far as practicable, be invested by the Deputy Secretary to the Treasury,[1] with the approval of the board, in the securities prescribed in section 20 of the Trusts Ordinance for the investment of trust property which consists of money.

Cost of establishment to be met from Consolidated Fund.

10. The cost of establishment and other expenses incidental to the management and administration of the fund (all hereinafter referred to as "the cost of establishment") shall, subject to the refund to the Consolidated Fund[1] referred to in section 11 (3), be met from the Consolidated Fund.[1]

Examination of the accounts of the fund and apportionment of profit or loss.

11. (1) The board shall, as soon as may be after the thirtieth day of September in each year, cause an examination to be made of the general account of the fund as on that date and ascertain the profit made or loss incurred for the financial year ending on that date.

(2) Where the examination referred to in subsection (1) discloses a loss for any financial year, the amount of such loss shall be debited by the board to the accounts of the contributors to the fund in proportion to the amounts standing to their credit in the fund at the close of that financial year.

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(3) Where the examination referred to in subsection (1) discloses a profit for any financial year, such profit shall be apportioned by the board, as far as may be, for the purposes hereinafter set out and in the order in which such purposes are respectively mentioned :—

(*a*) the payment of interest to the accounts of contributors in proportion to the amounts standing to their credit in the fund at the close of that financial year up to a maximum of two and a half *per centum* of the amounts so standing to their credit ;

(*b*) the refund to public revenue of the cost of establishment for that financial year ;

(*c*) the payment of interest to the accounts of the contributors in proportion to the amounts standing to their credit in the fund at the close of that financial year.

The amounts apportioned under paragraphs (*a*) and (*c*) shall be sufficient to pay interest on the amounts to the credit of the contributors in the fund at integral, half or quarter rates *per centum* or any combination of such rates, but at no smaller fractional rate. Any amount of profit insufficient to provide interest at a quarter *per centum* shall be carried forward to the following financial year.

Interest.

12. Interest payable to the account of a contributor shall be credited separately on compulsory contributions, voluntary contributions and bonuses, and shall begin to accrue in respect of each sum contributed and each bonus on the first day of the month next following the date on which the contribution was made or the bonus credited. Such interest shall be calculated in each year to the thirtieth day of September and shall then be added to and become part of the principal and be deemed for the purposes of this Ordinance to be compulsory contribution, voluntary contribution or bonus, as the case may be.

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Closing of accounts.

13. (1) On the death of a contributor or the termination of the contributor's service in any scheduled post on any date in any financial year—

(*a*) interest up to the end of the month previous to that date calculated at the rate at which interest was credited to the account of that contributor in respect of the last preceding financial year ; and

(*b*) in the event of his death or termination of his service in any of the circumstances in which section 14 applies, bonuses for that financial year equal to one and a half times the compulsory contributions made by the contributor during that financial year,

shall be credited to his account, which shall then be closed.

(2) Notice of such closure shall thereupon be given—

(i) if the contributor is living, to the contributor ; or

(ii) if the contributor is dead, to such person or persons mentioned in section 17 to whom it shall appear to the Deputy Secretary to the Treasury[1] that notice should properly be given ;

and, in either case, to such other persons as shall or may, in the opinion of the Deputy Secretary to the Treasury,[1] reasonably require such notice.

Payment of benefits on death, transfer or termination of service.
[§ 4, 23 of 1947.]

14. Subject to the provisions of this Ordinance, if a contributor is transferred from a scheduled post to any other post or office (not being a pensionable post or office) in the public service or dies while in the service of the Government or leaves the service in any of the following circumstances, that is to say :—

(1) retirement on medical evidence to the satisfaction of the Governor-General,[3] or, where it is competent for the head of the department in which the contributor served to order his

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retirement, to the satisfaction of such head of department, that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office ;

(2) satisfactory completion of contract ;

(3) abolition of office ;

(4) retirement on account of age ;

(5) determination of contract by, or with the consent of, the Government otherwise than by dismissal ;

(6) in the case of a female contributor, retirement with a view to, or in consequence of, marriage after not less than three years' service (subject to the production of evidence of marriage within such period after retirement as may be prescribed),

the amount standing to his or her credit in the fund at the closing of such account shall, subject as hereinafter provided, be paid to the contributor or any other person to whom by virtue of this Ordinance or otherwise payment may lawfully be made :

Provided that where the aggregate of the compulsory contributions, bonuses and interest thereon standing to his or her credit in the fund is less than the aggregate of—

[§ 4, 23 of 1947.]

(*a*) the compulsory contributions paid by the contributor to the fund ;

(*b*) the bonuses credited to the account of the contributor in the fund ; and

(*c*) compound interest at two and a half *per centum* per annum on the compulsory contributions paid by the contributor to the fund and on the bonuses credited to his account in the fund,

a sum equivalent to the difference between such aggregates shall be paid out of the Consolidated Fund [1] to the contributor or to such other person to whom by virtue of this Ordinance or otherwise payment may lawfully be made.

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15. The Minister of Finance[1] may, by Order published in the Gazette, direct that in the case of a female contributor of any such class or description as may be specified in the Order the minimum service required by paragraph (6) of section 14 shall be five years' service in lieu of the three years' service specified in that paragraph, and in every such case the provisions of that paragraph shall apply accordingly.

Power to modify paragraph (6) of section 14 in the case of female employees. [§ 5, 23 of 1947.]

16. Subject to the provisions of this Ordinance, if a contributor is dismissed, or discontinued on the ground of inefficiency or misconduct or leaves the service of the Government in any circumstances other than those in which section 14 applies—

(*a*) the amount of his contributions to the fund and interest thereon shall be paid to the contributor ;

(*b*) all bonuses and interest thereon provisionally credited to the account of the contributor shall be credited to the Consolidated Fund.[1]

Payment of benefits on dismissal or discontinuance or termination of service in any circumstances other than those in which section 14 applies. [§ 6, 23 of 1947.]

17. (1) Subject to the provisions of this Ordinance, on the death of a contributor—

(*a*) if the amount payable does not exceed two thousand five hundred rupees, the Deputy Secretary to the Treasury[1] shall pay such amount to the person or persons nominated for the purpose by the contributor in the manner prescribed, or, if no such nomination has been made, to the credit of the estate of the deceased contributor or, at the discretion of the Deputy Secretary to the Treasury,[1] to the person appearing to the Deputy Secretary to the Treasury[1] to be entitled by law to receive such amount ;

(*b*) if the amount payable exceeds two thousand five hundred rupees, the Deputy Secretary to the Treasury[1] shall pay such amount to the credit of the estate of the deceased contributor :

Payment on death of contributor.

Provided that the Deputy Secretary to the Treasury[1] may make payments, not exceeding three hundred rupees in any one case, to meet the expenses of the funeral of the deceased or to give immediate relief to

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the widow or children or other dependants of the deceased, if in the opinion of the Deputy Secretary to the Treasury [1] such relief is required.

(2) Any payment made by the Deputy Secretary to the Treasury [1] under this section shall be valid and effectual against any demand made upon the Government, the board or the Deputy Secretary to the Treasury [1] by any other person in respect of the amount payable in respect of that contributor.

Bonuses, &c., to be a charge on Consolidated Fund.

18. [1]All bonuses and other moneys authorized to be credited or paid from the Consolidated Fund by or under this Ordinance shall be charged upon the Consolidated Fund.

Compulsory contributions, &c., not to be assigned or attached.

19. Subject to the provisions of this Ordinance, no compulsory contribution, bonus, or interest on any such contribution or bonus shall be assignable or transferable or liable to be attached, sequestered or levied upon, in execution of any decree or order of any court, for or in respect of, any debt or claim whatsoever.

Appointment of contributor to pensionable office under Government.

20. (1) Where a contributor to the fund is appointed to a pensionable office in the public service and enters on the duties of such office—

(*a*) the account of that contributor shall be closed on the day on which he enters on the duties of his new office ;

(*b*) the aggregate amount of the bonuses credited by Government to the account of that contributor, together with the interest accrued on such bonuses shall be paid to Government out of the fund ;

(*c*) the aggregate amount of the compulsory contributions and voluntary contributions, if any, made by that contributor to the fund together with interest accrued on such contributions shall be paid to that contributor out of the fund ; and

(*d*) the period commencing on the day on which the contributor had become liable to contribute to the fund and ending on the day on which the account of the contributor is closed as herein

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before provided shall be deemed to be and reckoned as a period of service in a pensionable post for the purpose of the application of the Minutes on Pensions and the grant of benefits thereunder.

(2) Where a contributor to the fund is appointed to a pensionable office in the public service and enters on the duties of such office, then, notwithstanding that his service as a scheduled employee is not continuous with his service in the pensionable office, the provisions of subsection (1) shall apply if, but only if— [§ 2, 33 of 1952.]

(*a*) his service as a scheduled employee is terminated by resignation made with the consent of the prescribed officer or authority given for the purpose of enabling him to accept the pensionable office ; and

(*b*) the period intervening between the date of the termination of his service as a scheduled employee and the date of his entering on the duties of the pensionable office is not more than thirty-one days exclusive of any period during which he is actually being trained for such office :

Provided, however, that in any such case the account of that contributor in the fund shall be closed on the day of the termination of his service as a scheduled employee.

Benefit or qualification which, under the Minutes on Pensions, has accrued to a contributor before he became a contributor. [§ 7, 23 of 1947.]

21. Where a contributor has, before the date on which he became a contributor, held any post or office, service in which has qualified or would qualify him for an award under the Minutes on Pensions, he may retain any benefit or qualification which may have accrued to him under such Minutes, and, accordingly—

(*a*) in the event of his leaving the public service in any of the following circumstances, that is to say—

(i) retirement on account of age or on the ground of ill health ; or

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(ii) abolition of office,

the following award may be granted to such contributor, namely, such award as might have been granted to him under such Minutes if he had retired from such service on the aforesaid date on the ground of ill health, or

(*b*) in the event of his death while he is in such service, the following award under those Minutes may be granted to the person or persons to whom such award might have been granted under those Minutes, namely, such award as might have been granted under those Minutes to such person or persons if such contributor had died on the aforesaid date :

Provided, however, that where such contributor leaves the public service in consequence of abolition of office, such award shall be granted to him on the date on which he leaves the public service or on the date on which he attains the age of fifty-five years, whichever is less.

Deductions on account of income tax. [§ 8, 23 of 1947.]

22. In the event of the fund being approved by the Commissioner of Income Tax under section 11 (1) (*i*) of the Income Tax Ordinance, the Deputy Secretary to the Treasury [1] may, before payment is made of moneys lying to the credit of a contributor's account in the fund, make deductions on account of income tax from such moneys in accordance with the conditions prescribed by the Commissioner of Income Tax under the aforesaid section of that Ordinance. Any sum so deducted shall be paid to the Commissioner of Income Tax.

Deduction of sums due to Government. [§ 9, 23 of 1947.]

23. Before payment is made of moneys lying to the credit of a contributor's account in the fund, any sum or sums due from that contributor to the Government may be deducted from such moneys.

Accounts and audit.

24. (1) The Deputy Secretary to the Treasury [1] shall keep a separate account for the moneys of the fund. Such account shall be audited by the Auditor-General.

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(2) The board shall submit to the Minister of Finance [1] as soon as practicable after the close of each financial year a full statement showing the working of the fund and all claims thereon, and containing full particulars of all transactions connected with the working of the fund.

Information to contributors.

25. As soon as practicable after the close of each financial year, the Deputy Secretary to the Treasury [1] shall inform each contributor of the total amount standing to his credit in the fund at that date.

Power to amend and replace Schedule and consequences of such amendment and replacement.

[§ 10, 23 of 1947.]

26. (1) The Secretary to the Treasury [1] may, by Order published in the Gazette, amend or vary the Schedule, whether by the addition thereto or by the omission therefrom of any post or office, or otherwise in such manner as the Secretary to the Treasury [1] may deem fit, or from time to time replace the Schedule by a new Schedule incorporating all amendments and variations made under the preceding provisions of this subsection.

(2) An Order under subsection (1) may contain such provision as the Secretary to the Treasury [1] may deem necessary or expedient to preserve existing rights and shall have effect accordingly.

[§ 2, 46 of 1954.]

(3) An Order under subsection (1) may amend or vary the Schedule with effect from such date or dates as may be specified in the Order. The date or dates so specified may be prior or subsequent to the date on which the Order comes into force.

Regulations.

27. (1) The Minister of Finance [1] may, after consulting the board, make regulations for the purpose of giving effect to the principles and provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of the powers conferred by subsection (1), regulations may be made—

(*a*) for or in respect of any matter required to be prescribed ;

(*b*) for the management and control of the fund ;

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(*c*) prescribing a quorum for the board and the procedure to be adopted at meetings of the board ;

(*d*) prescribing the procedure for making deductions from the salaries of contributors ; and

(*e*) prescribing the manner in which payment of insurance premiums may be proved or verified.

(3) No regulation made under subsection (1) shall have effect until such regulation has been approved by the Senate and the House of Representatives.[1] Notification of such approval shall be published in the Gazette ; and, upon such publication, the regulation to which the notification relates shall be as valid and effectual as if it were herein enacted.

Interpretation.

28. In this Ordinance, unless the context otherwise requires—

" board " means the board of management constituted under section 3 ;

" contributor " means a contributor to the fund ;

" financial year " means the period of twelve months commencing on the first day of October in any year and ending on the thirtieth day of September in the succeeding year ;

" fund " means the Public Service Provident Fund established by this Ordinance ;

" personal allowance " means a special addition to salary granted personally to the holder for the time being of a post or office ;

" prescribed " means prescribed by this Ordinance or by any regulation made thereunder ;

" salary " includes wages and any personal allowance but no other payment or allowance whatsoever ;

" Schedule " means the Schedule for the time being in force ;

" scheduled employee " means a person in the service of the Government of Ceylon who holds a scheduled post ;

" scheduled post " means a post or office specified or described in the Schedule.

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SCHEDULE

LIST OF POSTS OR OFFICES, THE HOLDERS OF WHICH ARE ENTITLED TO CONTRIBUTE TO THE PUBLIC SERVICE PROVIDENT FUND

I		*II*	*III*
Item No.	*Department*	*Designation of post or office*	*With effect from*
1 ..	All Departments—		
	(*a*) General ..	Apprentice Draughtsmen ..	1.10.1948
		Assistant Book-keepers ..	1. 3.1944
		Assistant Cashiers ..	1. 6.1944
		Book-keepers	1. 3.1944
		Cashiers	1. 6.1944
		Clerks in the Quasi-Clerical Service controlled by the Deputy Secretary to the Treasury	1. 3.1951
		Clerks in the Quasi-Clerical Service (lower grade) controlled by the Deputy Secretary to the Treasury ..	1. 3.1951
		Counters	1. 1.1946
		Drivers of Ambulances, Vans and Motor Lorries ..	2. 7.1943
		Drivers of Vans (Temporary) ..	15. 7.1953
		Drivers of Motor Cars and Jeeps	1. 1.1946
		Female Labourers ..	1. 1.1946
		Female Stenographers in the Stenographers' Service controlled by the Deputy Secretary to the Treasury ..	1. 3.1949
		Female Telephonists ..	1. 4.1942
		Female Typists in the Typists' Service controlled by the Deputy Secretary to the Treasury	1. 3.1950
		Lorry Cleaners ..	1. 1.1946
		Operators, Punch Card Accounting Machines ..	1.10.1951
		Private Secretaries to Ministers	1.10.1947
		Supervising Operators, Punch Card Accounting Machines ..	1.10.1951
		Temporary Assistant Shroffs ..	1. 6.1944
		Temporary Assistant Storekeepers	1. 6.1944
		Temporary Binders ..	1. 1.1946
		Temporary Clerks ..	1. 3.1944
		Temporary Clerks to Divisional Revenue Officers ..	1. 1.1946
		Temporary Conservancy Labourers	1. 1.1946
		Temporary Cycle Orderlies ..	1. 1.1946
		Temporary Draughtsmen ..	1.10.1948
		Temporary Garden Labourers..	1. 1.1946
		Temporary Labourers ..	1. 1.1946
		Temporary Liftmen ..	1. 1.1946
		Temporary Messengers ..	1. 1.1946
		Temporary Peons ..	1. 1.1946
		Temporary Stenographers ..	1. 3.1944
		Temporary Storekeepers ..	1. 6.1944

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Item No.	I Department	II Designation of post or office	III With effect from
		Temporary Sweepers ..	1. 1.1946
		Temporary Telephone Clerks ..	1. 1.1946
		Temporary Telephonists ..	1. 1.1946
		Temporary Typists ..	1. 3.1944
		Temporary Watchers ..	1. 1.1946
	(*b*) Officers transferred from Local Government Service	Caretakers of Circuit Bungalows (full time)	1. 4.1951
		Clerks (22 posts) ..	1. 4.1951
		Clerk-draughtsmen (6 posts) ..	1. 4.1951
		Circuit Bungalow-keepers (full time)	1. 4.1951
		Klass (formerly employed under a District Road Committee)..	1. 4.1951
		Launch Driver (formerly employed under a District Road Committee).. ..	1. 4.1951
		Minor Employees (10 posts) ..	1. 4.1951
		Overseers (29 posts) ..	1. 4.1951
		Resthouse Keepers ..	1. 4.1951
		Superintendents of Minor Roads (3 posts)	1. 4.1951
		Tindal (formerly employed under a District Road Committee)	1. 4.1951
2 ..	Supreme Court ..	Private Secretaries to Puisne Justices	1.10.1942
		Private Secretary to the Chief Justice	21. 3.1950
3 ..	Public Service Commission	Chairman, Public Service Commission	18.10.1947
4 ..	Ministry of Defence and External Affairs	Cypher Operators (Female) ..	1. 11. 1948
		Librarian	15.12.1950
		Personal Assistant to the Captain of the Navy ..	13. 6.1950
		Personal Assistant to the Commander of the Air Force..	1. 8.1950
		Private Secretaries to High Commissioners ..	1. 1.1949
		Private Secretary to the Ambassador in the United States of America ..	1. 1.1949
5 ..	Ceylon Army ..	Army Civilian Clerks ..	1. 7.1950
		Army Civilian Stenographers ..	1. 7.1950
		Librarians	16. 8.1951
		Motor Lorry Cleaner Drivers ..	6. 1.1947
		Nursing Sisters ..	1.10.1954
		Surveyors	1. 6 1951
		Temporary Armscleaners ..	1.12 1948
		Temporary Storemen ..	1.12.1948
6 ..	Royal Ceylon Navy	Mess Boys	9.12.1950
		Victualling Stores Caretaker ..	9.12.1950
		Victualling Storekeeper (temporary)	9.12.1950
7 ..	Royal Ceylon Air Force	Librarian	15. 7.1952

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Item No.	*I* *Department*	*II* *Designation of post or office*	*III* *With effect from*
8 ..	Ceylon High Commission in Australia	Clerk Assistants	.. 1. 1.1955
		Office Assistant	.. 1. 1.1955
9 ..	Ceylon Legation in Burma	Chauffeurs ..	.. 1. 5.1950
		Cycle Orderly..	.. 1. 8.1950
		Messengers ..	.. 10.10.1949
		Private Secretary	.. 25. 9.1949
		Receptionist telephonist	.. 1. 5.1950
		Steno-Typists-Clerk Assistants	19. 9.1949
		Watchers ..	.. 25. 6.1951
10 ..	Ceylon High Commission in India	Chauffeur ..	.. 16.12.1947
		Peons ..	.. 1. 1.1946
		Steno-typist ..	.. 1.10.1948
		Sweeper ..	.. 5. 3.1947
		Translator ..	.. 1.10.1953
		Typist-clerks ..	.. 1. 4.1949
		Watchers ..	.. 10. 3.1947
11 ..	Ceylon Trade Commission in Bombay	Clerk Stenographer	.. 1. 4.1942
		Clerk Typists	.. 1. 4.1942
		Labourer ..	.. 27. 8.1945
		Peons ..	.. 1.10.1946
		Sales Officer ..	.. 1.10.1942
		Watcher ..	.. 1. 4.1950
12 ..	Ceylon Legation in Indonesia	Clerk-typist ..	.. 9. 6.1952
		Private Secretary	.. 15. 8.1952
		Translator Interpreter	.. 1.10.1954
13 ..	Ceylon Legation in Italy	Chauffeur ..	.. 1. 6.1953
		Clerk-Typist Receptionist	.. 1. 6.1953
		Clerk-typists	.. 1. 6.1953
		Interpreter-Translator Liaison Officer ..	.. 1. 6.1953
		Messengers ..	.. 1. 6.1953
		Private Secretary	.. 1. 6.1953
		Steno-typist ..	.. 1. 6.1953
14 ..	Ceylon Legation in Japan	Clerk-typist ..	.. 23. 6.1953
		Messengers ..	.. 9.10.1953
		Private Secretary	.. 22. 6.1953
		Receptionist-Telephonist	.. 2. 1.1954
15 ..	Ceylon High Commission in Pakistan	Chauffeur ..	.. 1.10.1952
		Cycle Orderly..	.. 1.10.1952
		Gardener ..	.. 1.10.1952
		Messengers ..	.. 1.10.1952
		Steno-typist ..	.. 1.10.1952
		Watcher ..	.. 1.10.1952
		Clerk-Typist (locally recruited)	1.10.1955
16 ..	Ceylon Commission in Singapore and the Federation of Malaya	Chauffeur ..	.. 1. 1.1953
		Clerk-typists ..	.. 1. 1.1953
		Peons ..	.. 1. 9.1951
		Steno-typist ..	.. 1. 1.1953
		Typists ..	.. 1.10.1951
17 ..	Ceylon High Commission in the United Kingdom	Education Officer	.. 1. 6.1950
		Female Cypher Operator	.. 1.11.1948
		Receptionists	.. 15. 8.1947
		Third Secretary	.. 20.10.1947

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Item No.	*I* *Department*	*II* *Designation of post or office*	*III* *With effect from*
18 ..	Ceylon Embassy in the United States of America	Clerk (locally recruited) ..	1. 2.1955
		Commissionaire ..	1. 1.1949
		Messenger	1. 1.1949
		Steno-typists	1. 1.1949
19 ..	Police ..	Apprentice Horsekeepers ..	20.12.1951
		Chief Technical Officer ..	15.12.1951
		Female Clerk, Police Department ..	9. 7.1955
		Hospital Attendants (Male) ..	1. 2.1953
		Matrons	1. 1.1946
		Radio Technicians ..	15.12.1951
		Technical Assistants ..	15.12.1951
		Temporary Horsekeepers ..	1. 1.1946
		Temporary Meal Carriers ..	1. 1.1946
		Technical Assistant to the C. I. D.	1.12.1953
		Women Police Constables ..	1. 1.1953
20 ..	Immigration and Emigration	Assistant Controllers ..	1.10.1949
		Assistant Controller (temporary)	1.10.1949
		Authorized Officers (temporary)	3. 1.1955
		Coxswains	13. 7.1953
		Launch Drivers ..	13. 7.1953
		Lascars	1.10.1954
21 ..	Information ..	Announcers	1.10.1949
		Assistant Director, Government Film Unit ..	1. 9.1948
		Assistant Film Demonstrators..	1.10.1949
		Assistant Film Directors ..	1.11.1951
		Assistant Processor and Printer	1.10.1949
		Assistant Sound Technician ..	1. 6.1949
		Camera Maintenance Technician	1.11.1951
		Cameramen	1.11.1951
		Carpenter	1.11.1951
		Director, Government Film Unit	1. 9.1948
		Electricians	1.11.1951
		Film Demonstrators ..	1. 6.1949
		Film Director.. ..	1.11.1951
		Film Editing Assistant ..	1.10.1949
		Film Librarian ..	1.11.1951
		Laboratory Assistants ..	1.10.1949
		Laboratory Attendants ..	1.10.1949
		Librarian	1.10.1949
		Mechanic, Grade III ..	1.10.1949
		Narrator	1.11.1951
		Negative Cutter ..	1.11.1951
		Packers	1.10.1949
		Processing Assistant ..	1.12.1950
		Processor and Printer ..	1.10.1949
		Script Writer and Narrator ..	1.11.1951
		Supervising Editor ..	1.11.1951
		Technical Assistant and Photographer	1.10.1951
		Technical Assistant and Storekeeper	1.10.1949

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Item No.	I Department	II Designation of post or office	III With effect from
22 ..	Ministry of Finance	Assistant Instructor in Tamil Typewriting ..	12. 5.1953
		Instructor in Sinhalese ..	20. 6.1953
		Instructor in Tamil ..	1. 9.1953
		Temporary Assistant Secretary to the United Nations Resident Technical Assistance Representative in Ceylon ..	1.12.1952
23 ..	Official Languages Commission	Assistant Instructor in Tamil Typewriting ..	12. 5.1953
		Assistant Instructor in Sinhalese Typewriting ..	14. 5.1953
		Instructors in Stenography ..	19. 5.1952
		Librarian	1. 2.1953
		Research Assistants ..	24. 4.1952
		Translator	15. 3.1952
24 ..	Treasury ..	Comptometer Operator ..	1. 8.1952
		Ediphonist Stenographer ..	1. 2.1952
		Punch Operators, Mechanised Accounting Section ..	1. 4.1942
25 ..	Government Stores	Operators, Accounting Machine	20.10.1950
		Supervising Operator, Punch Card Operators ..	1.11.1950
		Sub-Overseer ..	1. 8.1952
26 ..	Income Tax, Estate Duty and Stamps	Female Assistant Assessors ..	1. 4.1942
		Temporary Assistant Assessors	1. 1.1944
27 ..	Customs ..	Assistant Engine Room Artificers	18. 7.1952
		Comptometer Operator ..	1.11.1951
		Female Searchers ..	1.10.1948
		Mechanic for Launches ..	1. 8.1952
		Radar Electrician ..	18. 7.1952
		Temporary Assistant Preventive Officers	1.10.1948
		Temporary Guards ..	1.10.1948
		Temporary Tidewaiters ..	1.10.1948
28 ..	Census and Statistics	Assistant Superintendent of Census	4. 6.1945
		Comptometer Operators ..	16. 8.1946
		Librarians	1.10.1949
		Punch Card Machine Operator..	1.10.1951
		Sinhalese Translators ..	1. 2.1947
		Statistical Investigators ..	1. 1.1944
		Statistical Officers ..	1. 1.1945
		Statisticians	1.10.1949
		Tamil Translators ..	1.12.1945
29 ..	Government Press	Artist and Layoutman ..	2. 1.1953
30 ..	Attorney-General	Crown Conveyancer ..	1. 2.1951
		Proctors' Clerks ..	1. 4.1955
		Temporary Additional Crown Counsel	1.10.1942
		Additional Assistant to the Crown Proctor, Colombo, (temporary) ..	3.10.1955

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Item No.	I Department	II Designation of post or office	III With effect from
31 ..	Fiscal, Western Province	Matrons	1. 5.1946
		Superintendent of Outdoor Staff	6. 7.1949
32 ..	Magistrate, Kanadulla	Temporary Punkah-puller ..	1. 5.1946
33 ..	Government Agent, Colombo District	Fisher Arachchi ..	1.10.1951
		Temporary Food Control Field Assistants	1. 1.1946
34 ..	Government Agent, Kandy District	Supervisor, Hotel Suisse Building, Kandy ..	1.12.1948
35 ..	Government Agent, Polonnaruwa District	Water Pump Engine Driver Mechanic	1.10.1951
36 ..	Excise ..	Female Guards ..	1. 4.1942
		Temporary Minor Supervisor ..	1.10.1950
		Temporary Warehouse Porters and Watchers ..	1. 1.1946
37 ..	Prisons and Probation	Assistant Matrons ..	1. 7.1952
		Assistant Wardens ..	1. 4.1952
		Cooks	25. 4.1952
		Building Overseer ..	12. 6.1953
		Draughtsman ..	1. 7.1953
		Female Guards ..	1. 1.1946
		Inspector of Works ..	1. 7.1953
		Laundrymen	1. 7.1952
		Matrons	1. 7.1952
		Probation Officers (Female) ..	1. 5.1950
		Sub-Inspector of Works ..	1. 7.1953
		Temporary Probation Officers..	1. 8.1953
		Temporary Guards ..	1. 1.1946
		Temporary Hospital Orderlies..	1.11.1948
		Temporary Jailors ..	1.10.1943
		Temporary Overseers ..	1.10.1943
		Wardens	1. 4.1952
38 ..	Government Analyst	Assistant Analysts (temporary)	1.10.1943
		Assistant Storekeeper and Librarian	24. 3.1952
		Assistant Technician (Workshop Practice)	6. 2.1952
		Assistant Technician (Photography)	11. 2.1952
39 ..	Zoological Gardens	Animal Hospital Attendant ..	1.12.1949
		Aquarium Attendants ..	1.12.1949
		Artist Label Painter ..	1. 3.1952
		Assistant Superintendent (temporary)	1. 9.1953
		Assistant Superintendent ..	15. 9.1949
		Driver Mechanic ..	1.10.1952
		Hospital Laboratory Attendant	1. 2.1952
		Kangany	3. 6.1953
		Supervisor for Garden and Construction Works ..	1. 4.1952
		Tinker	26.12.1951

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I		*II*	*III*
Item No.	*Department*	*Designation of post or office*	*With effect from*
40 ..	Rural Development	Assistant Director ..	1. 7.1952
		Inspector of Works ..	1.10.1949
		Rural Development Assistants (temporary) ..	2. 1.1953
		Rural Development Officers (Supernumerary) ..	15. 9.1951
		Supervising Overseers (temporary)	3.11.1952
		Translators	1. 7.1952
41 ..	Commissioner of Cottage Industries	Artist Designer ..	1.10.1952
		Blacksmiths	1. 4.1942
		Book-keepers (temporary) ..	1.10.1942
		Ceramic Assistant (temporary)	1. 5.1942
		Commissioner of Cottage Industries	1. 7.1951
		Demonstrators, Grades I, II, and III (other than the posts held by those officers who were appointed before April 1, 1942, and who had elected not to contribute to the Public Service Provident Fund)	1. 4.1942
		Draughtsman, Class II ..	1.10.1942
		Farm Officers (temporary) ..	1.10.1945
		Female Industrial Demonstrators appointed on or after April 1, 1942 ..	1. 4.1942
		Female Industrial Demonstrators appointed prior to April 1, 1942 ..	31.12.1945
		Foreman, Mechanical and Wooden Toys (temporary) (on agreement) ..	1.10.1950
		Foreman, Agricultural and Household Implements (temporary) (on agreement)	1.10.1950
		Inspectress	1.11.1954
		Inspector of Works (Supernumerary) (temporary) ..	1. 8.1953
		Junior Supervisors ..	1.10.1942
		Male Industrial Demonstrators	31.12.1945
		Manager, Ceylon Industrial Shop (temporary) ..	1.10.1946
		Packers (temporary) ..	1. 7.1948
		Polishers	1. 4.1942
		Publicity Officer ..	1.10.1948
		Sales Assistants (temporary) (Male)	1.10.1942
		Sales Assistants (temporary) (Female)	1.10.1942
		Senior Supervisors ..	1.10.1942
		Sericulture Assistant ..	1. 4.1947
		Sericulture Assistant (temporary)	1.10.1945
		Sericulture Demonstrators (temporary)	1.10.1945
		Sericulture Expert (temporary)	1.10.1945

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Item No.	*I Department*	*II Designation of post or office*	*III With effect from*
		Sericulture Supervisors (temporary) (one post on agreement)	1.10.1945
		Textile Assistants ..	1.10.1946
		Textile Designer (temporary) ..	1. 4.1942
		Translator	17.11.1952
		Weaver (Carpets) (temporary)..	1.10.1950
		Weavers (temporary) ..	1.10.1948
		Weaving and Dyeing Master (temporary) ..	1.10.1948
42 ..	Approved and Certified Schools	Assistant House Masters ..	1. 6.1952
		English Trained Teachers ..	1. 8.1952
		Hospital Orderly ..	1. 9.1953
		House Masters ..	1. 6.1952
		Overseers	1. 5.1952
		School Principal ..	26. 4.1952
		Vocational Instructors ..	1. 5.1952
43 ..	Land Commissioner	Assistant Superintendents of Government Estates ..	1.10.1948
		Clerks employed on Government Estates	1.10.1948
		Conductors employed on Government Estates ..	1.10.1948
		Dispensers employed on Government Estates ..	1.10.1948
		Engine Drivers employed on Government Estates ..	1.10.1948
		Kachcheri Surveyors (temporary)	13. 7.1953
		Land Officers ..	15. 3.1946
		Land Redemption Officer ..	1.10.1948
		Office Assistant (Food Production)	15.10.1948
		Overseers employed on Government Estates ..	1.10.1948
		Rubber-makers employed on Government Estates ..	1.10.1948
		Storekeeper-Clerks ..	1.10.1947
		Superintendents, Government Estates	1. 2.1946
		Tea-makers employed on Government Estates ..	1.10.1948
		Temporary Building Overseer..	1. 8.1950
		Temporary Clerks to Colonization Officers ..	1.10.1948
		Temporary Overseers, L. D. O. Allotments, Grade II ..	1.10.1951
		Temporary Supervisors, L. D. O. Allotments	1. 1.1951
		Temporary Supervisors, Village Expansion Scheme ..	1. 2.1951
		Temporary Surveyors, Peasant Settlement Scheme ..	1.10.1948
		Temporary Colonization Officer, Grade II	1. 7.1953
		Temporary Supervisors of Works	1.10.1951
		Tracer	1.10.1951

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I	*II*	*III*
Item No.	*Department*	*Designation of post or office*	*With effect from*
44 ..	Survey ..	Temporary Clerks and Draughtsmen ..	14. 6.1949
45 ..	Forest	Assistant Depot-keepers ..	1.10.1947
		Boiler Attendant Fitters ..	15.10.1951
		Carpenter, Research Workshop	8. 2.1951
		Checking Officers ..	1. 2.1951
		Depot-keepers ..	1.10.1947
		Draughtsmen ..	1. 1.1947
		Foreman (Refit Boiler and Incising Plant) ..	5. 7.1955
		Forest Engineer (temporary) ..	1. 5.1948
		Forest Guards (temporary) ..	1.10.1942
		Forest Rangers ..	1. 1.1947
		Head Forest Guard (temporary)	1.10.1942
		Instructor-Lecturer (temporary), Forestry Field Training School	1.12.1950
		Junior Assistant Conservator of Forests (supernumerary and temporary) . ..	1.10.1942
		Kiln Seasoning Officer ..	1.12.1950
		Librarian/Curator, Forestry Museum	1. 4.1952
		Overseers	1.10.1947
		Range Assistants (temporary)..	1.10.1942
		Research Assistants ..	1. 7.1952
		Timber Utilization Research Officer	1.10.1951
		Workshop Foreman ..	1. 2.1952
		Clerk-cum-storekeeper ..	10. 1.1956
		Wood Working Machinists ..	8. 5.1955
46 ..	Irrigation ..	Assistant Irrigation Engineers	1.10.1942
		Assistant Mechanical Engineers	1.10.1952
		Caretakers, Circuit Bungalows at Kalawewa and Minneriya ..	1. 4.1949
		Chief Engineer, Mechanical Branch	1.10.1945
		Comptometer Operator ..	2. 3.1949
		Construction Engineers (temporary)	1. 4.1942
		Construction Overseers ..	1. 1.1947
		Cultivation Superintendents (temporary) ..	1.10.1952
		Deputy Engineer, Mechanical Branch	1.10.1945
		Irrigation Engineers, Grades I and II	1. 4.1942
		Librarian	1.10.1952
		Mechanical Draughtsman (temporary) ..	1.10.1945
		Mechanical Engineers ..	1.10.1948
		Senior Construction Engineers (temporary) ..	1. 4.1942
		Store Peons	1.10.1954
		Tappal Labourers ..	1.10.1954
		Tappal Labourers (temporary)	1.10.1954
		Technical Assistants (temporary)	1.10.1953
		Technical Supervisor ..	22.7.1951

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Item No.	I Department	II Designation of post or office	III With effect from
		Village Cultivation Officers (temporary) ..	1.10.1953
		Village Cultivation Overseers (temporary) ..	1.10.1952
		Welfare Officer ..	1.10.1948
47 ..	Valuation ..	Assistant Inspectors (temporary)	1. 4.1946
		Assistant Valuer (temporary)	1.10.1949
		Inspectors (temporary) ..	1. 4.1946
48 ..	Agricultural Corps	Assistant Commissioners ..	10. 1.1950
		Commissioner, Agricultural Corps	21. 1.1948
		Roneo Machine Operator (temporary)	16.10.1946
49 ..	Land Development	Assistant Transport Officers ..	7. 4.1951
		Construction Officers ..	1.10.1948
		Farm Managers ..	1.10.1948
		Land Development Officers ..	1.10.1948
		Saw Mill Managers ..	1.10.1948
		Supervisors ..	1.10.1948
		Conductors	1.10.1955
50 ..	Warden, Wild Life	Bungalow Keepers (5 posts) ..	1.10.1951
51 ..	Food Commissioner	Assistant Food Controllers (temporary) ..	1.10.1942
		Assistant Foreman ..	1. 1.1946
		Assistant Stores Foreman ..	19. 3.1946
		Assistant Shroffs (temporary)	1.10.1942
		Assistant Storekeepers (temporary)	1.10.1942
		Assistant Transport Officers ..	1. 8.1945
		Binders (temporary) ..	1. 4.1945
		Checking Officers ..	1. 5.1944
		Clerk-typist	1.10.1942
		Dearness Allowance Inspectors	1.10.1944
		Food and Price Control Inspectors	1.10.1942
		Foreman	1. 1.1946
		Head Foreman ..	1. 1.1946
		Inspectors of Foodstuffs ..	1. 6.1944
		Legal Assistant (temporary) ..	2. 6.1952
		Outdoor Supervisor, Inspector .	23.12.1942
		Petrol Foremen ..	1. 1.1946
		Preventive Officers ..	15. 2.1945
		Record-keeper and Binder ..	25. 3.1946
		Stenographer-Typists ..	1.10.1942
		Stenographers (temporary) ..	1.10.1942
		Stock Inspectors ..	1.10.1944
		Stock Verifying Officers ..	1.10.1944
		Storekeepers	1.10.1942
		Surveyor	1.10.1942
		Temporary Clerks (monthly-paid)	1.10.1942
		Temporary Assistant Director ..	1. 1.1950
		Temporary Chief Storekeeper ..	1. 5.1950
		Temporary Marketing Assistant	1. 5.1950
		Temporary Field Officers ..	1. 5.1950
		Translators (temporary) ..	21. 2.1952
		Transport Officer ..	1. 1.1945
		Transport Superintendents ..	1.10.1942
		Wharf Assistants ..	1.10.1942

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Item No.	*I* *Department*	*II* *Designation of post or office*	*III* *With effect from*
52 ..	Commissioner of Co-operative Development and Registrar of Co-operative Societies	Assistant Commissioners (temporary)	1. 7.1953
		Assistant Checking Officers ..	1. 3.1944
		Assistant Manager (textiles) ..	1. 6.1944
		Assistant Tally Clerks ..	1. 3.1944
		Assistant Transport Officers ..	1. 1.1945
		Cashiers, Grades I and II ..	7. 4.1943
		Checking Officers ..	1. 3.1944
		Chief Accounts Clerk ..	1. 3.1944
		Chief Book-keeper ..	1. 3.1944
		Chief Cash Book Clerk ..	1. 3.1944
		Chief Checking Officer ..	1. 3.1944
		Chief Storekeeper (Foodstuffs and Miscellaneous) ..	1. 6.1944
		Chief Storekeeper (Textile Section)	1. 6.1944
		Cinema Operator ..	17. 3.1952
		Clerks, Grades II and III ..	1. 3.1944
		Clerks with special initial points	1. 3.1944
		Dark Room Assistant ..	1.12.1950
		Depot Inspectors ..	1.12.1946
		Depot Superintendents ..	1.10.1944
		Garage Foreman ..	22. 3.1947
		Junior Assistant Book-keepers	1. 3.1944
		Junior Ledger Clerks ..	1. 3.1944
		Labour Supervisors ..	1.12.1945
		Lecturers, School of Co-operation (temporary) ..	1. 7.1953
		Lecturer in Salesmanship and Business Methods ..	6. 7.1950
		Market Information Assistants	19. 1.1943
		Preventive Inspectors ..	1. 6.1946
		Publicity Assistant ..	1. 8.1952
		Salesmen (Foodstuffs and Miscellaneous)	7. 4.1943
		Salesmen (Textiles) ..	7. 4.1943
		Senior Assistant Book-keepers	1. 3.1944
		Senior Ledger Clerks ..	1. 3.1944
		Sinhalese Translator ..	1.10.1949
		Staff Assistants ..	7. 4.1943
		Stenographers, Higher and Lower Grades ..	1. 3.1944
		Store Assistants ..	1. 6.1944
		Store-keepers (Foodstuffs and Miscellaneous), Grades I and II	1. 6.1944
		Store-keeper (Textiles) ..	1. 6.1944
		Sub-Inspectors (222 posts) ..	1.10.1953
		Supervisor (Labour, Transport and Welfare) ..	20. 4.1949
		Tally Clerks	1. 3.1944
		Technical Assistant ..	5. 4.1949
		Temporary Inspectors ..	1.10.1952
		Temporary Inspectors of Co-operative Societies ..	1.10.1952
		Textile Checkers ..	1. 3.1944
		Translators	1. 6.1946
		Transport Officers ..	3. 4.1944
		Warden, School of Co-operation	1.10.1952
		Warden, School of Co-operation (temporary) ..	1.10.1952
		Wharf Assistants ..	1.12.1945

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I	*II*	*III*
Item No.	*Department*	*Designation of post or office*	*With effect from*
53 ..	Agriculture ..	Artist, Propaganda Division ..	1. 2.1951
		Agricultural Engineering Assistants, Grades I and II ..	1.10.1952
		Assistant Agricultural Engineer	25. 5.1948
		Assistant Librarian ..	1.10.1950
		Assistant Matron, Creche ..	13. 3.1952
		Assistant Mechanical Foremen	1.10.1948
		Assistant Veterinary Surgeons (on agreement) ..	1. 4.1947
		Assistant Works Foreman ..	2. 4.1951
		Assistant Lady Superintendent of Hostels	1. 7.1953
		Assistant Agricultural Engineer (temporary).. ..	8. 6.1953
		Assistant Veterinary Surgeons (temporary).. ..	1.10.1952
		Attendants, Veterinary Hospitals	1.10.1949
		Charge Hands ..	1. 7.1947
		Cinema Operators ..	1.10.1949
		Conductors (temporary) ..	1.10.1949
		Curator, Botanic Gardens ..	1. 9.1953
		Designer Draughtsman ...	1.10.1950
		Dispenser-Clerk, Veterinary Hospital	1.10.1949
		Divisional Mechanical Foreman	1.10.1946
		Draughtsmen-Artists (temporary)	1.10.1952
		Ediphonist	1.10.1950
		Female Demonstrators ..	1. 5.1952
		Fieldmen	1.10.1946
		Games Mistress ..	5. 7.1948
		General Manager, Animal Husbandry Farms ..	1.10.1949
		Instructresses in Animal Husbandry	1.10.1949
		Instructresses in Domestic Science	3. 5.1948
		Instructresses in Needlecraft and Handicraft ..	24. 7.1950
		Laboratory Assistants ..	1.12.1952
		Laboratory Assistants (temporary)	2. 9.1952
		Laboratory Attendants (temporary)	1.10.1952
		Lady Superintendent of Hostels	21. 7.1948
		Lady Wardens ..	1. 6.1945
		Lecturer-Demonstrator in Handicrafts	2. 2.1953
		Lecturer in Chemistry (on agreement)	21. 4.1952
		Lecturer-Demonstrator in Agriculture and Horticulture ..	13. 1.1952
		Lecturer-Demonstrator in Confectionery and Pastry Cooking	1.10.1949
		Lecturer-Demonstrator in Cookery	1. 6.1950
		Lecturer-Demonstrator in Food Preservation ..	9. 6.1948
		Lecturer-Demonstrator in Household Management ..	1.10.1949

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I		II	III
Item No.	*Department*	*Designation of post or office*	*With effect from*
		Lecturer-Demonstrator in Laundering, Dyeing and Drycleaning	3. 5.1948
		Lecturer-Demonstrator in Music and Oriental Dancing	3. 5.1948
		Lecturer-Demonstrator in Needlecraft, Dress Designing and Dress Making ..	1. 5.1949
		Lecturer-Demonstrator in Sick-nursing ..	17. 8.1949
		Lecturer-Demonstrator in Weaving	1.10.1948
		Lecturers, School of Agriculture for Girls	1.10.1948
		Matron, Creche School of Agriculture for Girls ..	20. 2.1951
		Matrons and Lecturers in Sick-nursing ..	1.10.1948
		Mechanical Stores Superintendent	1.10.1950
		Mechanical Superintendent, Engineering Division ..	1.10.1949
		Overseers	1.10.1946
		Principal, School of Agriculture for Girls	7. 4.1948
		Probationary Assistant Agricultural Engineer ..	20. 5.1953
		Research Probationers/Research Officers (temporary) ..	1.10.1953
		Secretary	1.10.1948
		Soil Conservation Aides ..	2. 1.1954
		Sugar Cane Expert ..	1.10.1949
		Temporary Agricultural Instructor	1.10.1952
		Temporary Probationary Assistant Agricultural Engineer ..	8. 6.1953
		Temporary Storekeeper Clerks	1.10.1952
		Temporary Garden Assistant ..	1. 2.1950
		Veterinary Conductors ..	1.10.1946
		Vice-Principal, School of Agriculture for Girls ..	7.10.1951
		Works Foreman ..	1.10.1949
		Workshop Foremen ..	1. 3.1947
54	Food Production	Assistant Mechanical Foremen	1.10.1954
		Assistant Mechanical Stores Superintendent ..	1.10.1954
		Extra Office Assistant, Food Production Department ..	1.10.1944
		Food Production Inspectors (Estates)	13. 3.1944
		Food Production Officers ..	1.10.1945
		Irrigation Officers ..	1.10.1945
		Mechanical Storekeeper ..	1.10.1954
		Mechanical Stores—Clerks ..	1.10.1954
		Officers-in-charge, Tractor Units	1.10.1954
		Salvinia Inspectors ..	1. 3.1955
		Supervisors, Minor Irrigation Works	5. 4.1948
		Temporary Assistant Director of Food Production ..	1. 7.1953
		Food Production Overseers ..	1.10.1955

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Item No.	*I* *Department*	*II* *Designation of post or office*	*III* *With effect from*
55 ..	Development of Marketing	Assistant Book-keepers ..	1. 4.1942
		Assistant Cashiers ..	1.10.1942
		Assistant Commissioners ..	1. 4.1942
		Assistant Foremen ..	1.10.1942
		Assistant Manageresses ..	1.10.1945
		Assistant Managers ..	1.10.1942
		Assistant Mechanics ..	1.10.1945
		Assistant Registrar of Produce Agents	1. 4.1942
		Assistant Transport Officer ..	10. 1.1949
		Boilermen	1.10.1945
		Book-keepers ..	1. 4.1942
		Checking Officers ..	1.10.1945
		Chief Book-keepers ..	1.10.1945
		Delivery Assistants ..	1.10.1945
		Delivery Officers ..	1.10.1942
		Draughtsmen ..	1.10.1942
		Driver Field Officers ..	15. 5.1947
		Engine Drivers ..	1.10.1945
		Female Assistant ..	1. 9.1947
		Field Officers ..	1.10.1945
		Foremen	1.10.1945
		Laboratory Attendant ..	4. 4.1949
		Managers	1. 4.1942
		Marketing Officers ..	1. 4.1942
		Mechanics	1.10.1945
		Night Supervisor, Bakery ..	3. 9.1947
		Overseers	1.10.1945
		Probationary Assistant Rice Mill Engineer ..	1. 6.1951
		Purchasing Officers ..	1.10.1945
		Sales Assistants ..	1.10.1945
		Sales Girls	1.10.1944
		Sanitary Officer ..	1.10.1945
		Stores Inspectors ..	1.10.1945
		Store-keepers	1. 4.1942
		Supervisory Managers ..	1.10.1942
		Tea Taster	15. 1.1953
		Temporary Clerks (Monthly-paid)	1. 4.1942
		Tinkers	1.10.1945
		Transport Officer ..	1.10.1945
		Welfare Officer ..	1.10.1949
56 ..	Health ..	Additional Workshop Technician	1. 7.1947
		Agricultural Overseer, Lower Grade	1.10.1944
		Assistant Manager, Dairy Farm, Angoda	5. 3.1949
		Assistant Masseurs ..	1. 5.1947
		Assistant Matrons ..	1. 4.1942
		Assistant Section Store-keepers (temporary) ..	1. 4.1954
		Biochemist, Civil Hospital, Kandy	1.10.1951
		Biochemist, General Hospital ..	1.11.1949
		Biologist to Judicial Medical Officer	1.10.1951
		Chemist to the Judicial Medical Officer	1.11.1949
		Clerks, Hospital Clerical Service (temporary) ..	1. 7.1954

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I		II	III
Item No.	*Department*	*Designation of post or office*	*With effect from*
		Comptometer Operator ..	1.10.1949
		Dental Surgeon ..	6. 6.1949
		Dictaphone Operator ..	1.10.1949
		Female Attendants ..	1. 1.1946
		Female Cooks ..	1. 1.1946
		Female Medical Officers ..	1. 4.1942
		Female Vaccinators ..	1. 4.1942
		Foreign Medical Specialists (on agreement) ..	22. 6.1949
		Foreman, Electro-Medical Appliances	15. 3.1946
		Health Visitors, T. B. Campaign	1. 6.1953
		Instructress in Physical Training	1.11.1945
		Junior Assistant Public Health Engineers (temporary) ..	15. 5.1953
		Kitchen Stewardesses ..	1. 4.1942
		Lady Apothecaries with the exception of one post held by Miss E. M. de Alwis ..	1. 4.1942
		Lady Welfare Officer ..	1. 9.1951
		Librarian	1. 5.1950
		Librarian, Medical Research Institute	1. 8.1949
		Manager, Dairy Farm, Angoda	1. 2.1948
		Matrons	1. 4.1942
		Mechanics	1.10.1949
		Medico-Social Worker ..	1.10.1951
		Midwives	1. 1.1946
		Nurses	1. 4.1942
		Nurses' Ayahs ..	1. 1.1946
		Nursing Sisters ..	1. 4.1942
		Nutritionist	2. 1.1953
		Occupational Therapists ..	15.11.1951
		Operators, Punch Cards ..	1. 2.1951
		Photographer, General Hospital	8.12.1952
		Physical Training Instructor ..	1.12.1948
		Psychiatric Social Workers ..	1.10.1945
		Public Health Nurses ..	1. 4.1942
		Publicity Officer, Cancer Propaganda	15.10.1953
		Seamstresses ..	1. 1.1946
		Social Workers, Venereal Diseases Campaign ..	1. 4.1953
		Store-keeper, General Hospital, Colombo	1. 5.1954
		Stores Overseer, General Hospital, Colombo	3. 1.1955
		Technical Assistants, Medical Research Institute ..	1.11.1949
		Technicians, Physiotherapy Department, General Hospital, Colombo	22. 8.1951
		Temporary Entomological Assistants	1. 6.1951
		Temporary Inspectors of Works	1. 8.1947
		Temporary Laboratory Assistants	1.10.1951
		Temporary Overseers, Anti-Malaria Campaign ..	1.10.1950
		Temporary Overseers, Rural Hospital Scheme ..	1. 1.1947

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I		*II*	*III*
Item No.	*Department*	*Designation of post or office*	*With effect from*
		Temporary Sanitary Engineering Assistants	2.10.1950
		Temporary Sub-Inspectors of Works	1.10.1950
		Temporary Supervising Overseers	1.10.1948
		Tutors	1. 5.1946
		Walking Training and Arm Training Instructor ..	19. 7.1954
		Workshop Technician ..	1. 4.1942
		X'Ray Mechanics ..	11. 6.1951
57 ..	Quarantine ..	Apothecary—Tattaparai Camp	1. 4.1948
		Assistant Teachers—Mandapam Camp	1. 7.1947
		Cart Driver, Cleaner, Electric Plant, Clerks, Compounder-Vaccinator, Cooks, Driver, Steam-disinfector, Female Attendants, Fireman, First Driver, Electric Plant, Hospital Orderly — Tattaparai Camp ..	1. 4.1948
		Latrine Labourers—Tattaparai Camp	1. 4.1948
		Matron—Mandapam Camp ..	1. 4.1942
		Nurses—Mandapam Camp ..	1. 4.1942
		Peons—Tattaparai Camp ..	1. 4.1948
		Second Driver, Electric Plant, Servers, Store-boy, Store-keeper, Sweepers, Teachers, Ward Attendants, Watchmen, Water Cart Driver — Tattaparai Camp ..	1. 4.1948
		Ward Peon (temporary)—Mandapam Camp ..	1. 1.1948
58 ..	Indigenous Medicine	Assistant Lecturers (temporary)	1.10.1949
		Dispensers	1.12.1949
		Female Attendants ..	1. 1.1946
		House Officer (Female) ..	1.10.1953
		Lady Medical Officers ..	1. 4.1942
		Lecturers (temporary) ..	1.10.1949
		Midwives	1. 1.1946
		Nurses	1. 4.1942
		Nurses' Ayahs ..	1. 1.1946
		Physicians, Out-patients' Department ..	1. 2.1951
		Ticket Clerk	1.12.1949

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I		*II*	*III*
Item No.	*Department*	*Designation of post or office*	*With effect from*
59 ..	Commissioner of Local Government	Waterworks Engineer (temporary) ..	26. 5.1953
60 ..	Elections (Local Bodies)	Operators, Duplicating Machines	1.10.1951
		Translators	26.11.1949
61 ..	Ministry of Education	Assistant Cinema Operator ..	10.12.1952
		Interpreter-Translator (Sinhalese)	1. 1.1953
		Interpreter-Translator (Tamil)	1. 1.1953
		Machine Operator for Rotary Tractor	1. 6.1954
		Temporary Legal Assistant ..	1.10.1947
62 ..	Education ..	Assistant Cinema Operators ..	1.10.1945
		Assistant Cooks ..	1. 1.1946
		Assistant Electrical Foremen ..	1.10.1947
		Assistant Inspectors of Music (temporary) ..	1. 5.1953
		Assistant Matrons ..	1.10.1949
		Assistant Motor Mechanics ..	1.10.1946
		Assistant Superintendent of Hostels	1.10.1945
		Chief Inspectress of Home Science	1.10.1942
		Cinema Operators ..	1.10.1945
		Cleaner Greasers ..	1. 9.1948
		Cooks	1.10.1947
		Dhobies	1.10.1947
		Director, Musical Quintet ..	16. 8.1951
		District Inspectress of Schools	5. 8.1948
		District Inspector of Physical Education (temporary) ..	1.10.1954
		Electrical Foreman ..	1.10.1947
		Engine Drivers ..	1.10.1947
		Engine Driver Mechanics ..	1.10.1949
		Engine Room Attendants ..	1.10.1947
		Fitter Electrician ..	2. 7.1948
		Head Servant, Government Training College, Maharagama	1.10.1947
		Inspectresses of Home Science	1.10.1942
		Inspectresses of Music ..	1.10.1946
		Inspectresses of Schools ..	1.10.1942
		Inspectors and Inspectresses of Physical Education ..	1. 1.1946
		Inspector of Schools, Agriculture (temporary) ..	1. 5.1953
		Inspector of Kandyan Dancing (temporary) ..	1.10.1954
		Inspectors of Handicrafts (temporary) ..	1. 6.1954
		Junior Technical Assistants ..	1.10.1951
		Librarian, Royal College ..	1.10.1946
		Matrons	1.10.1942
		Motor Cyclist, Cinema Operator	1.10.1951
		Motor Mechanics Foremen ..	1.10.1946
		Moulavi Teachers ..	31.12.1945
		Musician, Musical Quintet ..	16. 8.1951
		Operators, Accounting Machine	1.10.1949
		Operator, Travelling Cinema ..	1. 1.1946

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Item No.	*I Department*	*II Designation of post or office*	*III With effect from*
		Organizer of Handicraft ..	1.10.1950
		Pianist, Musical Quintet ..	1.11.1951
		Radio Serviceman ..	1. 8.1948
		Regional Organizers ..	1.10.1950
		Registrar, Royal College ..	1. 1.1946
		Resident Superintendent (Female) ..	1. 1.1946
		Resident Superintendent (Male)	1.10.1946
		Sick Room Attendants ..	1.10.1947
		Singer, Musical Quintet ..	16. 8.1951
		Skilled Mechanics ..	1.10.1947
		Storemen	1.10.1950
		Stores Assistants ..	1. 5.1952
		Store-keeper	1. 6.1952
		Superintendents of Hostels ..	1.10.1945
		Supervisor of Midday Meals ..	1.10.1948
		Supervising Operator, Accounting Machines ..	1.10.1949
		Survey Overseers ..	1.10.1951
		Tappal Labourer ..	1.10.1948
		Temporary Inspectors of School Works	1.10.1950
		Temporary Inspectors of Schools	1. 5.1953
		Temporary Overseers ..	1.10.1948
		Temporary School Works Overseers	1.10.1950
		Temporary Sub-Inspector of Works	1.10.1950
		Temporary Translators ..	1.10.1947
		Uncertificated Teachers in Government Schools ..	31.12.1945
		Violinist, Musical Quintet ..	1.11.1951
		Water Pump Cleaners ..	1.10.1947
		Water Pump Machinemen ..	1.10.1947
		Wiremen, Skilled, Grade II ..	13. 3.1952
63 ..	Commissioner of Examinations	Monotype Key board Operator (temporary) ..	1.11.1954
64 ..	National Museums	Assistant in Ethnology (on agreement)	14. 7.1945
		Assistant Taxidermist ..	15. 2.1951
		Collector of Specimens (for Ethnological Survey) ..	15. 1.1953
		Educational and Publications Assistant	1. 8.1952
		Field Assistant ..	22. 2.1952
		Preparation Assistant ..	31. 3.1953
65 ..	Government Archivist	Cataloguing Assistants ..	15. 8.1952
		Dark Room Attendant ..	15. 7.1952
		Gold Gilder	1.10.1953
		Librarian	1. 9.1953
66 ..	Archaeological ..	Assistant Commissioner (Chemist)	1.11.1951
		Assistant Commissioner (Epigraphy) ..	1.10.1950
		Temporary Laboratory Assistant for the Chemist ..	25. 5.1953
		Technical Assistant ..	1. 6.1955

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I	*II*	*III*
Item No.	*Department*	*Designation of post or office*	*With effect from*
67 ..	Ceylon Technical College	Assistant Lecturer in Commerce (temporary) ..	1. 3.1955
		Assistant Lecturer in Industrial Engineering.. ..	1. 3.1955
		Assistant Librarian ..	21. 4.1952
		Carpenters (temporary) ..	8.11.1948
		Instructor in Commerce (temporary)	1. 3.1955
		Instructors in Building Construction (temporary) ..	1. 3.1955
		Instructor in Mathematics and Physics	1.10.1953
		Instructor in Shorthand and Typewriting (temporary) ..	1.12.1954
		Lecturer in Industrial Engineering	14.10.1943
		Lecturer in Surveying ..	25. 8.1949
		Mechanics (temporary) ..	8.11.1948
		Motor Mechanic, Grade I ..	28. 1.1953
		Registrar	1. 8.1950
		Special Instructor in Civil Engineering (on agreement)	24. 5.1949
		Supervisor, New Teachers Training Course ..	1.10.1948
		Tinker	1.10.1951
68 ..	Government College of Fine Arts	Art Master	15. 8.1952
		Art Master in Drawing and Painting (temporary) ..	2. 8.1954
		Art Master in Sculpture (temporary) ..	1. 2.1955
		Assistant Lecturer in Art ..	20. 9.1952
		Assistant Lecturer in Drumming (temporary) ..	8. 7.1952
		Assistant Lecturer in Vocal Music (temporary) ..	14. 7.1952
		Instructor in Art (temporary) ..	15. 7.1954
		Instructors in Art ..	1. 7.1952
		Instructor in Basket Weaving ..	1.11.1952
		Instructor in Brass Work ..	2. 3.1953
		Instructor in Leather Work ..	1. 7.1952
		Lac Work Instructor ..	1.11.1952
		Lecturer in Art ..	1.10.1954
		Lecturers in Music and Dancing	16. 5.1952
		Store-keeper	1. 2.1955
69 ..	Labour ..	Assistant Commissioners of Labour (temporary) ..	15. 8.1944
		Comptometer Operator (Unemployment Relief Works) ..	1. 4.1950
		Laboratory Assistant, Grade II	15.11.1954
		Laboratory Attendant ..	1. 8.1952
		Labour Inspectors (temporary)	1. 4.1942
		Librarian	5. 1.1953
		Survey Inspector ..	1. 2.1951
		Transport Officer ..	1. 8.1949
70 ..	Commerce ..	Commercial Assistant ..	1.12.1948
		Comptometer Operator ..	1.10.1949
		Examiner of Standards ..	1.10.1951
		Inspectors	1.10.1951
		Laboratory Assistant ..	1.10.1951
		Price Control Inspectors ..	1.10.1942
		Telephone Clerks ..	1.10.1947

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Item No.	I Department	II Designation of post or office	III With effect from
71 ..	Registrar of Companies	Inspector	1. 7.1952
		Investigating Assistants ..	1.10.1949
		Librarian and Record-keeper	1 11.1950
72 ..	Government Tourist Bureau	Artist	1.10.1949
		Courier	1.10.1947
		Officer-in-charge, Tourist Information Centre ..	1.10.1951
		Superintendent of Resthouses ..	2. 6.1952
		Receptionists ..	1. 3.1948
73 ..	Rubber Commissioner	Assistant Rubber Commissioner (temporary) ..	1. 4.1954
		Inspectors	1. 5.1948
		Mechanics	1.11.1946
		Store Assistants ..	1.11.1946
		Transport Officer ..	1.11.1946
74 ..	Control of Imports and Exports	Assistant Controllers (temporary)	9. 8.1948
75 ..	Fisheries ..	Assistant Socio-Economics Officer	1.10.1954
		Assistant Supervisor, Cold Storage Plant and By-Products Factory (temporary) ..	1.10.1954
		Boat Driver	1.10.1945
		Cashier Clerk	1.10.1945
		Checking Officers ..	1.10.1945
		Chief Supervisor, Cold Storage Plant and By-Products Factory (temporary) ..	1.10.1954
		Collectors (Statistics) ..	21. 4.1952
		Commercial Assistant (Loans)..	15.11.1950
		Craftsmen	3. 1.1952
		Delivery Officers ..	1.10.1945
		Deputy Director (on agreement)	1.10.1950
		Drivers, Ice Plants ..	1.10.1949
		Engineer (Refrigeration and Transport)	1.12.1954
		Extension Officer ..	3. 1.1951
		Fishing Vessels—	
		Assistant Coxswains ..	1.10.1945
		Cooks	1.10.1945
		Drivers	1.10.1945
		Engineers	1.10.1945
		Foremen	1.10.1945
		Greasers	1.10.1948
		Lascars	1.10.1945
		Mates	1. 6.1946
		Quarter Masters ..	1.10.1945
		Riggers	1.10.1948
		Serangs	1.10.1945
		Skippers	22.11.1944
		Stewards	1.10.1945
		Understudies to Mate ..	1.10.1948
		Understudies to Skipper ..	1.10.1948
		Wireless Operators ..	1.10.1945
		Fish Stall Inspectors ..	1.10.1945
		Fishery Inspectors (temporary)	1. 1.1945
		Greasers, Ice Plants ..	1.10.1949

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I		*II*	*III*
Item No.	*Department*	*Designation of post or office*	*With effect from*
		Junior Engineers, Cold Storage Plant (temporary) ..	1.10.1954
		Laboratory Assistant, Grade II (temporary) ..	1. 8.1953
		Management Officer (temporary)	1.10.1951
		Marine Engineering Assistants .	1. 5.1953
		Mechanic	17.11.1951
		Assistant Director (Administration and Socio-Economics)	11. 6.1951
		Photographic Technician ..	3. 1.1951
		Pond Foreman ..	3. 1.1951
		Preventive Guards, Preventive Officer, Preventive Sergeants (Anti-dynamiting Work)	1.10.1949
		Purchasing Officers ..	1.10.1945
		Research Officers ..	2. 4.1951
		Rudderman	1.10.1945
		Sales Officers-cum-Drivers ..	1.10.1950
		Sinhalese Translator ..	1. 8.1953
		Stall Managers ..	1.10.1945
		Sub-Inspectors ..	3. 1.1951
		Superintendent, Brackish Water Fisheries	1.10.1954
		Superintendent, Fish Marketing	1.10.1945
		Superintendent, Fresh Water Fisheries	20. 5.1953
		Tamil Translator ..	2. 1.1952
		Temporary Station Officer ..	1.11.1951
		Temporary Master (Fishing Vessel)	23.10.1953
		Transport Officers ..	1.10.1945
76 ..	Ministry of Industries, Housing and Social Services	Building Overseer ..	19. 5.1954
77 ..	Industries ..	Analytical Chemist ..	1. 1.1951
		Artists	1. 3.1948
		Assistant Book-keepers ..	1.10.1942
		Assistant Burners (Cement Works)	1.10.1948
		Assistant Chemical Technologist	1.11.1951
		Assistant Chemist (Rubber Research)	1. 1.1951
		Assistant Chemist (Cement Works)	1. 6.1950
		Assistant Chief Engineers (Cement Works) ..	1.10.1949
		Assistant Civil Engineers (Cement Works) ..	1. 4.1947
		Assistant Engineers (New Paper Factory)	1. 7.1951
		Assistant Engineers (Oil Factory)	1. 7.1951
		Assistant Engineers (temporary)	1.10.1944
		Assistant Farm Managers ..	1. 1.1955
		Assistant Manager (Cement Factory)	1. 1.1954
		Assistant Store-keepers ..	1. 8.1950
		Assistant Timekeepers ..	1.10.1952
		Assistant Foremen, Steel Rolling Factory	1. 5.1942

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Item No.	*I* *Department*	*II* *Designation of post or office*	*III* *With effect from*
		Assistant Gauger (Cement Works)	1. 2.1951
		Assistant Librarian (Industrial Laboratory) ..	1.12.1950
		Assistant Power Engineers (Cement Works) ..	1.10.1949
		Assistant Plant Technologists (Oil Factory) ..	1. 7.1951
		Assistant Shroffs ..	1. 1.1944
		Assistant Superintendents, Carpentry Workshops ..	1. 1.1947
		Assistant Works Manager (Oil Factory), Technical ..	1. 7.1951
		Blacksmiths	1. 4.1942
		Boiler-housemen ..	11.10.1949
		Book-keepers ..	1.10.1942
		Building Overseers ..	1.10.1949
		Canteen Officers ..	1. 7.1948
		Canteen Supervisors ..	1.10.1949
		Caretakers	1.10.1948
		Carpenters	1. 1.1947
		Ceramic Experts ..	1. 6.1947
		Chemical Engineer ..	1. 1.1951
		Chemical Technologist (Pilot Plant)	1.11.1951
		Chemist, Cement Factory ..	1.10.1948
		Chief Engineer and Works Manager, Cement Factory ..	1. 7.1951
		Chemists	1.10.1942
		Chief Burner (Cement Works)	1.10.1948
		Chief Clerk, Plywood Factory..	1. 5.1942
		Chief Cost Clerk ..	1.10.1945
		Chief Engineer (New Paper Factory)	1. 7.1951
		Chief Engineer (Oil Factory) ..	1. 7.1952
		Chief Supervisor, Industrial Workshop	1. 1.1946
		Chief Timekeeper (Cement Works)	1. 2.1951
		Civil Engineer ..	1. 1.1951
		Clerks	1.10.1942
		Clerks of the Works ..	1.10.1945
		Clerk-Typists ..	1. 4.1942
		Commercial Assistants (Oil Factory)	1. 7.1951
		Cost Clerks	1.10.1946
		Deputy Director (Commercial)	1. 1.1951
		Draughtsmen ..	1.10.1942
		Economic Assistant ..	1. 1.1951
		Electrical Engineer ..	1. 7.1951
		Electrical Foreman (Paper) ..	1. 1.1955
		Engineering Assistants (Plywood Factory) ..	1.10.1954
		Electrical and Mechanical Foremen (Cement Works) ..	1. 4.1947
		Electrical Superintendent (Plywood Factory) ..	1. 7.1951
		Electricians (Rubber) ..	1. 6.1951
		Engine Driver Mechanic (Rubber)	1.10.1950
		Farm Officers ..	1.10.1945
		Farm Overseers ..	1. 6.1953

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I		*II*	*III*
Item No.	*Department*	*Designation of post or office*	*With effect from*
		Foreman Draughtsman (Caustic Soda)	20. 7.1954
		Field Assistants ..	1. 1.1951
		Fitters	1. 1.1947
		Fitter, Tannery and Leather Factory	1. 4.1942
		Fitting Shop Foremen (Cement Works)	1.10.1949
		Foremen (Factories, Workshops and Laboratories) ..	1.10.1942
		Garden Supervisors (Cement Works)	1. 4.1951
		Gaugers (Cement Works) ..	1.10.1949
		General Foremen (Cement Works)	1.10.1949
		General Manager (Cement Works)	1. 6.1950
		Glass Blower	1. 1.1951
		Glass Expert	1. 6.1947
		Hat Maker	1.10.1942
		Head Chemist (New Paper Factory)	1. 7.1952
		Head Clerks, Factory ..	1.10.1942
		Head Paper Finisher ..	1. 7.1951
		Illuk Farm Manager ..	1. 7.1951
		Industrial Assistants (temporary)	1. 5.1942
		Industrial Engineer (Maintenance)	15.11.1952
		Inspectors (temporary) ..	1.10.1942
		Inspectors of Works (temporary)	1.10.1942
		Junior Assistant Engineers ..	1.10.1948
		Laboratory Assistants ..	1. 4.1942
		Laboratory Attendants ..	1. 7.1948
		Laboratory Technicians ..	1. 1.1951
		Ledger Clerks.. ..	1. 3.1951
		Librarians	1. 7.1948
		Manager, Cement Works ..	1.10.1948
		Manager, Ceramic Factory ..	3. 1.1951
		Manager, Glass Factory ..	20.11.1950
		Manager, Leather Factory ..	1. 1.1954
		Manager, Plywood Factory ..	1. 1.1954
		Mechanical Workshop Foreman (Paper)	1. 3.1955
		Mechanical Foreman (Caustic Soda)	8. 3.1955
		Minor Supervisors (Paper) ..	15. 5.1952
		Mechanic Electricians ..	12. 8.1948
		Mechanical Engineer ..	1. 1.1951
		Minor Supervisors and Foremen (Factories, Workshops and Laboratories) ..	1. 1.1946
		Officer-in-charge (Brass Workshops)	3. 6.1948
		Overhead Crane Drivers, Cement Works ..	14. 6.1950
		Overseers	1. 1.1955
		Overseers (Oil) ..	1.10.1954
		Overseers (Caustic Soda) ..	1.10.1954
		Packers	1. 7.1948
		Packing Plant Foreman (Cement Works) ..	3. 5.1950

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I	*II*	*III*
Item No.	*Department*	*Designation of post or office*	*With effect from*
		Photographers ..	1. 7.1948
		Planning Engineer ..	1. 1.1951
		Plant Technologists (Oil Factory)	1. 7.1951
		Plywood Expert ..	1.10.1945
		Polishers	1. 4.1942
		Probationary Assistant Chemists	1.10.1949
		Probationary Farm Manager, *Illuk* Farm (Paper) ..	1. 8.1953
		Probationary Farm Manager (New Paper Factory) ..	1. 7.1952
		Production and Supply Officer	1. 1.1951
		Power Engineer (Cement Works)	1.10.1948
		Pulp and Paper Maker (New Paper Factory) ..	1. 7.1952
		Quarry Foremen ..	1.10.1949
		Research Assistants ..	1.10.1942
		Research Chemists ..	1. 1.1944
		Resident Adviser and Co-ordinator (New Paper Factory)	1. 7.1952
		Resident Engineer (New Paper Mill)	1. 1.1951
		Rubber Technologist ..	1.10.1945
		Safety Officer (Cement Works)	1.10.1949
		Sales Officer	1. 1.1951
		Sales Promotion Officers ..	1. 3.1948
		Secretaries, Factories ..	1.10.1942
		Secretary, Concrete Department	1. 4.1954
		Superintendent, Concrete Department ..	1. 9.1952
		Shift Burners (Cement Works)	1.10.1949
		Shift Chemists (Cement Works)	1.10.1949
		Shift Electrical Supervisors (Cement Works) ..	1.10.1949
		Shift Mill and Crusher Foremen (Cement Works) ..	1.10.1949
		Shift Power Station Superintendent (Cement Works) ..	1.10.1949
		Shift Works Superintendents (Cement Works) ..	1.10.1949
		Special Overseers ..	1. 1.1951
		Staff Apprentices ..	1.10.1945
		Stenographer Clerk ..	1. 3.1952
		Store-keepers (Permanent) ..	1.10.1942
		Stores Assistants ..	1. 9.1947
		Sub-Inspectors (Oil and Paper Factories)	1. 4.1951
		Superintendent, Carpentry Workshops ..	1. 1.1947
		Superintendent, Government Shoe Factory ..	1. 1.1946
		Superintendents (New Paper Factory)	1. 7.1952
		Superintendents (Oil Factory)	1. 7.1952
		Superintendent, Tannery and Leather Factory ..	1. 1.1944
		Technical Assistants ..	1. 1.1951
		Technical Assistant (Cement Works)	1. 3.1949
		Telephone Clerks (permanent)	1. 5.1942

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Item No.	I Department	II Designation of post or office	III With effect from
		Temporary Surveyor, Grade III, Salt Division ..	21. 9.1953
		Time-keepers ..	1. 1.1944
		Tracers (Cement Works) ..	1. 7.1951
		Transport Overseers, Government Plywood Factory ..	1. 1.1946
		Welfare Liaison Officers (Cement Works) ..	1.10.1949
		Welfare Officers ..	1.10.1946
		Wharf Clerks (Cement Works)	1. 3.1951
		Works Electrical Superintendents (Cement Works) ..	1.10.1949
		Works Foremen (Rubber) ..	1. 1.1951
		Steno-Typist, Ceramic Factory	1. 2.1955
		Modeller, Ceramic Factory ..	1. 2.1955
		Maintenance Foreman, Ceramic Factory	1. 2.1955
		Superintendents, Ceramic Factory	1. 3.1955
		Secretary/Sales Officer, Ceramic Factory	15. 6.1955
		Works Manager, Ceramic Factory	15. 7.1955
78 ..	Government Mineralogist	Field Assistants ..	1. 1.1951
		Skilled Driller ..	1. 6.1951
79 ..	Social Services ..	Assistant Cooks, State Homes for the Aged and Infirm ..	22. 1.1951
		Comptometer Operator ..	1.10.1950
		Director	13. 7.1948
		Emergency Unqualified Nurses, State Homes for the Aged and Infirm	1. 5.1954
		Female Attendants ..	22. 1.1951
		Guards, House of Detention ..	1. 2.1952
		Head Cooks	23. 5.1951
		Lady Social Services Officers ..	9.10.1948
		Male Attendants ..	22. 1.1951
		Matron, House of Detention ..	1. 4.1942
		Nurses' Cooks ..	21. 6.1951
		Nurses' Servants ..	26. 2.1951
		Nurses, State Homes for the Aged and Infirm ..	17. 9.1954
		Officer-in-charge, House of Detention	1.10.1954
		Operator, Duplicating Machines	1.11.1951
		Outdoor Dispensary Orderlies..	5. 3.1951
		Social Services Officers (temporary)	6.10.1948
		Temporary Assistant Director..	1.10.1950
		Vocational Instructor, House of Detention	1.10.1954
		Welfare Officers (Deaf and Blind)	1.10.1954
80 ..	Town and Country Planning	Assistant Government Town Planner (on agreement) ..	1.10.1949
		Assistant Inspectors ..	1.10.1949
		Drawing Office Assistant ..	1. 2.1949
		Supervising Officer (temporary)	1.10.1949
		Temporary Inspector ..	1. 4.1949
		Temporary Overseer ..	1. 2.1955
		Temporary Surveyor ..	13. 1.1953

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I		*II*	*III*
Item No.	*Department*	*Designation of post or office*	*With effect from*
81 ..	National Housing	Assistant Commissioner, Legal Adviser (temporary) ..	22.11.1954
		Librarian and Reception Clerk (temporary) ..	5.10.1954
		Telephone Operator ..	4.10.1954
		Book-keepers (temporary) ..	5. 4.1955
		Draughtsmen, Grade II (temporary)	18. 7.1955
		Sub-Inspectors (temporary) ..	1. 8.1955
		Assistant Engineers (temporary)	22. 9.1955
82 ..	Postal and Telecommunication Services	Assistant Lady Supervisor of Telephones ..	25. 4.1953
		Foreman, Transport Section ..	1. 5.1948
		Lady Supervisor of Telephones	1. 4.1942
		Radio Servicemen ..	16.10.1950
		Telephone Monitors ..	1. 4.1942
		Telegraphists, Overseas Telecommunication Service ..	15.11.1952
		Temporary Counter Clerks ..	1. 3.1944
		Temporary Night Telephonists	1.10.1944
83 ..	Meteorology ..	Night Watchers ..	1.10.1951
		Rain-gauge Station Inspectors	15.10.1952
		Teleprinter Operators ..	1. 7.1952
		Temporary Assistant Meteorologists	1.10.1952
		Temporary Observers ..	1.11.1952
		W. T. Operators ..	1. 8.1951
84 ..	Broadcasting ..	Additional Records Librarian, Commercial Service (temporary)	15. 8.1951
		Announcers	1. 4.1942
		Assistant Engineers ..	16.10.1951
		Assistant News Editor ..	1. 7.1948
		Assistant Scheduled Assistant, Commercial Service (temporary)	10. 5.1951
		Assistant Store-keepers ..	1. 4.1952
		Assistant Superintendent Engineer	1. 3.1949
		Broadcast Announcers ..	1. 4.1942
		Building Supervisor ..	8. 6.1951
		Chief Records Librarian ..	1. 2.1951
		Continuity and Script Writers, Commercial Service (temporary)	1. 6.1951
		Controller, Broadcast (Programmes)	11.11.1946
		Director	1.10.1951
		Director of Commercial Broadcasting (temporary) ..	1.10.1951
		Director-General of Broadcasting	13. 7.1950
		Director of Programmes ..	17. 9.1950
		Editor of News and Publications	1.10.1945
		Fitter	1. 1.1947
		Junior Programme Assistants..	1. 2.1951
		Junior Technical Assistants, Grades I and II ..	1. 4.1952

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Item No.	I Department	II Designation of post or office	III With effect from
		Librarian	1. 6.1948
		Operator, Duplicating Machines	8. 3.1951
		Programme Assistants ..	26. 2.1951
		Programme Operators ..	10.12.1951
		Programme Organizers ..	15. 2.1951
		Radio Reporter ..	2. 4.1951
		Receptionists ..	1. 6.1948
		Records Librarians (temporary)	11.11.1950
		Scheduled Assistant, Commercial Service (temporary) ..	15. 1.1951
		Script Writers ..	26. 2.1951
		Sectional Store-keepers ..	1.10.1951
		Senior Studio Attendants ..	12.10.1950
		Sinhalese Programme Assistant	9. 8.1948
		Storemen	1.10.1951
		Studio Attendants ..	8. 7.1950
		Sub-Editors	20. 8.1950
		Superintendent Engineer ..	1. 3.1949
		Supervisors of Watchers ..	15.10.1951
		Tamil Programme Assistant ..	20. 7.1948
		Technical Assistants, Grades I, II and III	1. 4.1952
		Temporary Assistant Bookkeeper	23. 6.1952
		Transport Supervisor ..	1.12.1951
85 ..	Ministry of Transport and Works	Assistant Welfare Officers ..	1.10.1948
		Chief Welfare Officer ..	1.11.1948
86 ..	Public Works ..	Apprentice Draughtsmen (temporary)	1. 6.1948
		Assistant Architects (temporary)	1.10.1942
		Assistant Clerks of the Works (temporary) ..	4. 6.1948
		Assistant Construction Engineer (temporary) ..	27. 3.1951
		Assistant Foreman (temporary)	1.10.1948
		Assistant Quantity Surveyors (temporary) ..	27. 7.1948
		Building Overseer, New Secretariat Building ..	19. 5.1954
		Clerks of the Works (temporary)	3. 6.1947
		Construction Engineer (temporary)	15. 9.1949
		Draughtsmen (temporary) ..	1.10.1942
		Drawing Office Assistant (temporary)	13. 2.1946
		Engineering Surveyor (temporary)	1.10.1942
		Junior Assistant Architects (temporary) ..	1.10.1942
		Junior Assistant Engineers (temporary) ..	1. 1.1944
		Junior Assistant Factory Engineers (temporary) ..	1.10.1948
		Labour Supervisor (temporary)	1. 1.1947
		Landscape Supervisor (temporary)	1. 7.1947

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Item No.	*I* *Department*	*II* *Designation of post or office*	*III* *With effect from*
		Minor Supervisors (temporary), Grades I and II ..	1. 1.1947
		Plan Keeper	18. 7.1951
		Probationer in Training in Architecture ..	7. 2.1953
		Probationary Sub-Inspector (temporary) ..	1.10.1948
		Punch Operators (temporary)..	1.10.1945
		Quantity Surveyor (temporary)	13. 2.1946
		Road Overseers (temporary) ..	1. 1.1947
		Roneo Operator (temporary) ..	2.10.1950
		Sculptor (temporary) ..	1. 3.1947
		Sculptural Masons (temporary)	20. 4.1949
		Senior Waterworks Engineer (temporary) ..	27. 4.1952
		Special Overseers (temporary)..	1. 1.1947
		Structural Engineer (temporary)	13. 2.1946
		Sub-Inspectors (temporary) ..	1.10.1942
		Sub-Overseers (temporary) ..	1. 1.1947
		Supernumerary Assistant Factory Engineers (temporary)..	1.10.1948
		Supervising Overseers (temporary)	1. 1.1947
		Temporary Inspectors ..	1.10.1947
		Temporary Modeller, University Scheme ..	1.12.1949
		Temporary Plan Printer ..	1. 3.1946
		Temporary Surveyor, University Scheme ..	2. 1.1948
		Tracers (temporary) ..	25. 3.1949
		Water Supply Expert (temporary)	7. 2.1949
87 ..	Civil Aviation ..	Aerodrome Watchers (temporary)	1. 1.1946
		Air Mechanics, Grades I and II	1. 4.1947
		Air Traffic Control Officers (temporary) ..	1.10.1948
		Assistant Engineer, Air Academy	1.10.1950
		Assistant Flying Instructors ..	1.10.1951
		Assistant Time-keepers ..	1. 6.1952
		Assistant Workshop Inspectors	1.10.1952
		Carpenters	1.10.1950
		Commandant, Air Academy ..	1.10.1950
		Chief Engineer, Air Academy ..	1.10.1950
		Cleaners	1. 9.1948
		Clerk-Typist for Chief Aeronautical Inspector ..	1.10.1948
		Fabric Workers ..	1. 4.1952
		Firemen	1.10.1948
		Fire Tender Drivers ..	1.10.1948
		Flying Instructors ..	1.10.1950
		Gardeners	1. 6.1946
		Ground Instructors ..	1.10.1950
		Leading Firemen ..	1.10.1948
		Radio Communications Officer	1.10.1948

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I		*II*	*III*
Item No.	*Department*	*Designation of post or office*	*With effect from*
		Radio Technicians, Grade I (temporary)	1.10.1950
		Secretary, Air Academy ..	1.10.1950
		Signals Clerk	1.10.1948
		Station Officers ..	1.11.1951
		Storemen	1.11.1949
		Stores Clerks	1.10.1948
		Technical Records Clerks ..	1.10.1948
		Teleprinter Operators ..	25. 3.1952
		Time-keeper	1.10.1950
88 ..	Port Commission	Additional Docking and Shipping Master ..	5. 9.1951
		Apothecary (temporary) ..	1.10.1942
		Assistant Drivers of Tugs (temporary)	1.11.1952
		Assistant Engineers (temporary)	1.12.1950
		Assistant Engine Room Artificer (temporary) ..	24. 7.1951
		Assistant Labour Manager ..	1. 2.1949
		Assistant Light-keeper ..	23. 3.1950
		Assistant Mechanical Engineer	1.10.1951
		Assistant Patrolling Officers ..	1.11.1950
		Assistant Resident Engineers (on agreement) ..	27. 5.1950
		Baggage Porters ..	1. 5.1952
		Berthing Calassies (temporary)	10.11.1954
		Berthing Overseers, Grade II (temporary) ..	1.12.1953
		Berthing Masters ..	1. 6.1942
		Boatmen (temporary) ..	1.10.1950
		Boatmen of Tanac Tugs (temporary)	1.10.1954
		Boiler Inspector ..	1.10.1951
		Coxswain of Tanac Tugs (temporary)	1.10.1954
		Deputy Resident Engineer (on agreement)	27. 5.1950
		Divers	22.10.1946
		Diving Inspectors (on agreement)	11.11.1950
		Draughtsmen (temporary) ..	1.10.1943
		Dressers	13. 5.1942
		Drivers of Tanac Tugs (temporary)	1.10.1952
		Engine Room Artificer of Tugs (temporary) ..	24. 7.1951
		Enquiry Clerk ..	4.11.1949
		Fireman of Harbour Tugs (temporary)	24. 7.1951
		Foreman, Boat Builder ..	1. 8.1955
		Foreman, Harbour Craft ..	1.10.1951
		Foremen, Mechanical Facilities and Plant, Grade II (temporary)	1. 7.1954
		Greasers of Tugs (temporary) ..	1.11.1952
		Head Drivers of Tugs (temporary)	1.10.1952
		Head Overseer, Harbour Craft (temporary) ..	22. 2.1954
		Inspectors of Works ..	6.10.1950
		Inspector of Works (temporary)	1.10.1954

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I		*II*	*III*
Item No.	*Department*	*Designation of post or office*	*With effect from*
		Junior Assistant Engineers ..	1. 4.1942
		Junior Assistant Harbour Engineers	1. 4.1942
		Junior Assistant Mechanical Engineers	12. 5.1952
		Labour Officers ..	1. 2.1949
		Labour Overseers ..	13. 4.1942
		Lascar of Tugs (temporary) ..	24. 7.1951
		Launch Coxswains (temporary)	1.10.1954
		Master of Barges ..	1. 6.1942
		Mate (temporary) ..	24. 7.1951
		Meal Labourers ..	1.10.1942
		Mates of Tanac Tugs (temporary)	1.10.1954
		Mess Attendant (temporary) ..	1.10.1950
		Messenger Berthing Staff (temporary)	10.11.1954
		Motor Launch Driver ..	1. 5.1952
		Navvy Driver ..	1. 2.1951
		Orderlies	1. 2.1949
		Overseers	1.10.1950
		Pilot (temporary) ..	23. 7.1951
		Resident Engineer (on agreement)	1. 9.1950
		Serangs, Harbour Craft (temporary) ..	1.10.1954
		Shore Foreman (temporary) ..	1.10.1954
		Signalmen	7.11.1949
		Steno-typist (temporary) ..	1.10.1942
		Storeman Clerk, Galle ..	1. 5.1952
		Sub-Inspector of Works ..	10. 3.1950
		Surveyors (temporary) ..	1.10.1949
		Surveyor Assistants (temporary)	1.10.1948
		Technical Assistants ..	10. 8.1949
		Telephone Enquiry Clerk, Berthing Staff (temporary) ..	1. 9.1954
		Temporary Clerks (monthly-paid)	1.10.1942
		Ticket Office Checkers ..	1. 2.1949
		Traffic Superintendents ..	1. 2.1949
		Translators	1.12.1954
		Wharf Superintendents ..	1.10.1942
89	Railway ..	Assistant District Engineers (temporary) ..	1.10.1949
		Assistant Foreman, Grade II (temporary) ..	1.12.1947
		Assistant Security Officers ..	1.11.1949
		Building Foremen (temporary)	1.12.1947
		Building Overseers (temporary)	1.12.1947
		Chief Security Officer ..	1. 6.1946
		Coal Supervisors (temporary) ..	1. 1.1947
		Corporals	1.11.1949
		District Engineers (temporary)	1. 7.1949
		Electrical Foremen (temporary)	1. 7.1947
		Labour Supervisors ..	1. 1.1947
		Ladies' Waiting Room Attendants	16. 4.1946

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Item No.	*Department*	*Designation of post or office*	*With effect from*
		Lady Supervisor, Accounting Machines	1. 1.1945
		Machine Operator ..	1.10.1945
		Minor Supervisors (temporary), Grades I and II ..	1.10.1948
		Operators, Punch Card Accounting Machines ..	1. 1.1945
		Pay-sheet Machine Operators ..	1.10.1949
		Pay-sheet Machine Supervisor	1.10.1949
		Privates	1.11.1949
		Probationary Assistant Signal Engineer	1.10.1946
		Probationary and Supernumerary Assistant District Engineers	1.10.1946
		Probationary and Supernumerary Assistant Divisional Transportation Superintendents	3. 1.1946
		Probationary and Supernumerary Assistant Mechanical Engineers	1.10.1946
		Security Officers ..	1.11.1949
		Sergeants	1.11.1949
		Technical Assistants ..	1.10.1949
90 ..	Electrical ..	Assistant Resident Engineer, Hydro-Electric Scheme ..	1. 1.1945
		Carrier Cab Drivers ..	1.10.1948
		Lady Punch Operators ..	1.11.1952
		Minor Supervisors (temporary)	1. 1.1947
		Mobile Crane Driver ..	16. 5.1951
		Plan Printer (temporary) ..	1. 3.1951
		Punch Operators (temporary)..	1.10.1948
		Storemen	16. 7.1951
		Surveyors (temporary), Hydro-Electric Scheme ..	1.10.1944
		Technical Assistants ..	1. 1.1947
		Temporary Assistant Foremen	1.1.1947
		Temporary Checkers, Hydro-Electric Scheme ..	1.10.1948
		Temporary Clerk-Typist ..	1.10.1948
		Temporary Foremen ..	1. 1.1947
		Temporary Junior Assistant Electrical Engineers ..	1. 9.1946
		Temporary Overseers ..	1. 1.1947
		Welfare Officer, Hydro-Electric Scheme	1. 1.1946
91 ..	Commissioner, Department of Swabhasha	Translators	1.10.1955

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CHAPTER 435

TEA CONTROL

AN ACT TO PROVIDE FOR THE REGISTRATION OF LANDS PLANTED WITH TEA, THE PROPRIETORS OF SUCH LANDS, AND THE MANUFACTURERS OF TEA ; FOR THE CONTROL OF THE EXPORTATION OF MADE TEA, TEA SEED, AND SUCH PARTS OF THE TEA PLANT AS ARE CAPABLE OF BEING USED FOR PROPAGATION ; FOR THE CONTROL OF THE PLANTING OF NEW AREAS WITH TEA ; FOR THE IMPOSITION OF AN EXPORT DUTY ON TEA ; AND FOR MATTERS CONNECTED THEREWITH.

Acts Nos. 28 of 1949, 14 of 1950, 29 of 1953, 27 of 1954.

[*1st July, 1949.*]

1. This Act may be cited as the Tea Control Act. Short title.

2. (1) There may be appointed for the purposes of this Act— Appointment of Controller and other officers.

(*a*) a person, by name or by office, to be or to act as Tea Controller ;

(*b*) a person, by name or by office, to be or to act as Assistant Tea Controller ; and

(*c*) such other officers and servants as may from time to time be required for the purposes of this Act.

(2) (*a*) Except as provided in paragraph (*b*) of this subsection, in the exercise of his powers and in the discharge of his duties under this Act, the Controller shall be subject to the general direction and control of the Minister.

(*b*) In the exercise of his powers and in the discharge of his duties under section 9 of this Act, the Controller shall be subject to the general direction and control of the Minister of Commerce and Trade.

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(3) All persons exercising powers or discharging duties under this Act shall be deemed to be public servants within the meaning of the Penal Code.

(4) Every person functioning, on the day immediately preceding the appointed date, as an officer or servant for the purposes of the Controlled Articles (Tea) Order, 1948, shall from that date be deemed to be an officer or servant appointed under subsection (1) of this section for the purposes of this Act.

Delegation of Controller's powers.

3. In relation to any particular matter or class of matters or to any particular area or district, the Controller may, with the consent of the Minister, by writing under his hand, delegate any of his powers under this Act except this power of delegation. Any powers so delegated may be exercised by the delegate with respect to the matters or class of matters specified or to the area or district mentioned in the instrument of delegation.

Establishment and constitution of Tea Advisory Board.

4. There shall be established by the Minister a Tea Advisory Board which shall consist of the Controller for the time being, who shall be the chairman, and such other members, not exceeding six in number, as the Minister may appoint, two of such members being expressly selected to represent small holders.

Duties and powers of Tea Advisory Board.

5. (1) The Tea Advisory Board shall—

(*a*) advise the Controller on all matters which he may refer to the board for advice, and

(*b*) perform such other duties and exercise such powers as may be prescribed.

(2) Regulations may be made providing for the conduct of the business of the board and prescribing the procedure to be followed at meetings of the board. Subject to any such regulations, the board may regulate its own procedure.

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Register of Estates and Small Holdings.

6. (1) The Controller shall register estates and small holdings and the names and addresses of their proprietors, and shall for that purpose keep a register which shall be called the Register of Estates and Small Holdings.

(2) The register of estates and small holdings kept under the Tea Control Ordinance shall, notwithstanding the expiry of that Ordinance, be deemed to be the Register of Estates and Small Holdings kept under subsection (1) of this section ; and accordingly that register in the form in which it stood on the 31st day of March, 1948, shall be reopened and maintained by the Controller for the purposes of this Act.

(3) Every estate or small holding registered or deemed to have been registered under the Tea Control Ordinance shall be deemed to be registered under this Act.

(4) Every proprietor registered or deemed to have been registered under the Tea Control Ordinance in respect of any estate or small holding shall, so long as he is in possession thereof, be deemed to be registered under this Act.

Registration and amendment of Register of Estates and Small Holdings.

7. (1) No estate or small holding shall be registered by the Controller on or after the appointed date unless and until he has received a return duly furnished by the proprietor of that estate or small holding under subsection (2) of this section.

(2) The proprietor of every land which is planted with tea and which has not been registered as an estate or small holding under the Tea Control Ordinance shall, within three months from the appointed date, furnish to the Controller a return, in the prescribed form, containing particulars of the prescribed matters.

(3) The registered proprietor of any estate or small holding shall, within one month of the occurrence of any circumstances affecting the accuracy of any particulars contained in any return furnished by him under the Tea Control Ordinance or under this Act, notify those

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circumstances to the Controller in order that the Controller may make the necessary amendments in the entries relating to that estate or small holding in the Register of Estates and Small Holdings.

(4) In the event of a change in the ownership of any registered estate or small holding, it shall be the duty of the new owner of such estate or small holding to notify the change to the Controller within one month of the occurrence of the change in order that the Controller may amend the entries relating to the proprietor of that estate or small holding in the Register of Estates and Small Holdings.

(5) In the event of the death of the registered proprietor of any estate or small holding, it shall be the duty of the person entering into possession or having control of that estate or small holding or having charge of the business of that proprietor to give written information of the death to the Controller within one month thereof. That person shall be responsible for furnishing all such information in regard to that estate or small holding as may be required by the Controller, until the name of the new proprietor of that estate or small holding is duly entered in the Register of Estates and Small Holdings.

Register of Manufacturers.

8. (1) The Controller shall register manufacturers and shall for that purpose keep a register which shall be called the Register of Manufacturers.

(2) The register of manufacturers kept under the Tea Control Ordinance and continued under the Controlled Articles (Tea) Order, 1948, shall be deemed to be the Register of Manufacturers kept under this section and shall be continued and maintained by the Controller accordingly.

(3) Every person registered as a manufacturer under the Tea Control Ordinance or under the Controlled Articles (Tea) Order, 1948, shall be deemed to be registered as a manufacturer under this Act.

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(4) Every person who carries on business as a manufacturer and who has not been registered as a manufacturer under the Tea Control Ordinance or under the Controlled Articles (Tea) Order, 1948, shall apply to the Controller, in the prescribed form, for registration.

(5) A person who is registered as a manufacturer shall, if he ceases to carry on the business of a manufacturer, notify that fact to the Controller within fourteen days of his ceasing to carry on such business ; and the Controller may, if he is satisfied that such person has ceased to be a manufacturer, cancel the registration of such person.

Export of made tea.

9. No person shall export made tea from Ceylon except under the authority of a general or special licence issued by the Controller ; and no made tea shall be received or accepted for exportation or shipment by any customs or other officer unless the exportation thereof is authorized by such a licence :

Provided that no licence shall be required to authorize—

(*a*) the re-export, from Ceylon, of any made tea which is proved to the satisfaction of the Principal Collector of Customs to have been imported into Ceylon, or

(*b*) the export, from Ceylon, of any quantity of made tea—

(i) shipped as stores on board any vessel or aircraft, or

(ii) despatched by parcel post, or

(iii) taken as part of the personal baggage of a passenger on any vessel or aircraft, or

(iv) sent as commercial samples.

Export of tea seed, &c.

10. (1) Save as provided in subsection (2) of this section, no person shall export, from Ceylon to any other country, any seed, root, stump or bud of any tea plant, or any such cutting from or living portion of any tea plant as may be capable of being used for propagation.

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(2) Notwithstanding anything in subsection (1) of this section, any article referred to therein may be exported from Ceylon to India or to Pakistan, or to the Netherlands East Indies, or to any prescribed country, under the authority of a licence granted by the Controller and subject to such conditions as may be prescribed.

Planting or replanting of tea.

11. Except under a licence granted by the Controller and except in accordance with such conditions as may be prescribed, no person shall plant or replant with tea any land which is not, or is not deemed to be, a registered estate or small holding or part thereof.

Nurseries.

12. Except under a licence granted by the Controller, no person shall plant tea, for the purposes of a nursery, on any land which is not, or is not deemed to be, a registered estate or small holding or part thereof.

Powers of Controller to call for information.

13. (1) It shall be lawful for the Controller by written notice to direct any person who is the registered proprietor, or who applies for registration as the proprietor, of any estate or small holding—

(*a*) to furnish before a specified date such information as the Controller may require in respect of that estate or small holding, or such explanation as the Controller may require in respect of any particulars stated in any return furnished by that person, or

(*b*) to produce or cause to be produced before a specified date such documentary or other evidence as the Controller may require for the purpose of verifying any information furnished by that person in respect of that estate or small holding or any facts or particulars stated in any return furnished by that person.

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(2) It shall be lawful for the Controller by written notice to direct any person who is a registered manufacturer or who applies for registration as a manufacturer—

(*a*) to furnish before a specified date such information as the Controller may require in respect of that person's registration or application, or such explanation as the Controller may require in respect of any information furnished by that person, or

(*b*) to produce or cause to be produced before a specified date such documentary or other evidence as the Controller may require for the purpose of verifying any information or explanation furnished by that person.

(3) A notice under this section shall be deemed to have been duly served if it has been sent by post in a registered letter addressed—

(*a*) in the case of a registered proprietor or a registered manufacturer, to the place specified in the Register of Estates and Small Holdings or the Register of Manufacturers as his address, and

(*b*) in the case of any other person, to his usual place of residence or of business.

Right to enter estates or small holdings.

14. The Controller, or any person authorized by him in writing, may at any time enter any estate or small holding for the purpose of carrying out an inspection or making a survey plan of that estate or small holding, and may, for that purpose, enter any factory, office, or other building on that estate or small holding.

Tea Control Fund.

15. (1) There shall be established a Tea Control Fund for the purposes of this Act.

(2) All moneys lying on the appointed date to the credit of the Tea Control Fund established under the Tea Control Ordinance and all moneys payable to the

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credit of that fund under section 36 (7) of that Ordinance and remaining unpaid on the appointed date, shall be paid to the Tea Control Fund established under subsection (1) of this section.

(3) All such payments out of the Tea Control Fund established under the Tea Control Ordinance as may have been made for the purpose of defraying the expenses of the administration of the Controlled Articles (Tea) Order, 1948, shall be deemed to have been validly made out of that fund.

Export duty on tea.

16. (1) In order to provide an income for the payment of the expenses authorized by section 17 there shall be charged, levied and paid an export duty on tea, of such amount as may be determined from time to time by a resolution of the House of Representatives:

Provided that, until a duty is levied under the preceding provisions of this subsection, the duty authorized to be collected by any resolution which was passed under section 36 (3) of the Tea Control Ordinance and which was in force on the 31st day of March, 1948, shall be charged, levied and paid from and after midnight on the day immediately preceding the appointed date.

(2) Every resolution under subsection (1) of this section shall be published in the Gazette, and the duty authorized to be collected thereunder shall be charged, levied and paid from the date specified in that resolution.

(3) Any resolution under subsection (1) of this section may be varied or rescinded at any time by a resolution of the House of Representatives published in the manner specified in subsection (2) of this section.

(4) This section shall have effect as though it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.

(5) The proceeds of the export duty recovered under this Act shall be paid over monthly to the Controller by the Principal Collector of Customs and shall be credited to the Tea Control Fund established under subsection (1) of section 15, and no part thereof shall be credited to the Consolidated Fund.

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(6) The export duty authorized to be imposed under this Act shall be in addition to the export duties levied under any other written law but shall not be taken into account in computing the export duty levied on tea under the law of Ceylon for the purposes of section 32* of the Income Tax Ordinance.

Expenditure from Tea Control Fund.

17. (1) There shall be paid out of the Tea Control Fund—

(*a*) the salaries, wages and fees payable to persons employed for the purposes of this Act,

(*b*) all other expenses of the administration of this Act,

(*c*) the prescribed contributions to any gratuity scheme established or deemed to be established under this Act,

(*d*) such of the expenses of the administration of the Controlled Articles (Tea) Order, 1948, as may remain unpaid on the appointed date, and

(*e*) all expenses of the administration of the Tea Thefts Prevention Act. [§ 2, 27 of 1954.]

(2) Any surplus which may at the end of each year of control be found to the credit of the Tea Control Fund after all the payments authorized by subsection (1) of this section have been made may be applied for the furtherance and development of the tea industry and to purposes connected therewith or incidental thereto, in such manner as the House of Representatives may by resolution from time to time determine. [§ 2, 14 of 1950.] [§ 2, 14 of 1950.]

Estimates of income and expenditure.

18. (1) The Controller shall transmit to the Minister, not later than the fifteenth day of February in each year of control during the operation of this Act, estimates of the income likely to accrue to, and the expenditure likely to be incurred out of, the Tea Control Fund for the next succeeding year of control.

* This is a reference to the section 32 which was repealed by Act No. 30 of 1950.

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(2) On receipt of the estimates of income and expenditure, the Minister shall, at the first convenient opportunity, place such estimates before the House of Representatives for its approval.

Declaration.

19. (1) A person who furnishes any return, explanation or information under this Act shall verify it by a declaration that the statements contained therein are true and accurate.

(2) Every declaration made under this section shall be free from stamp duty.

Gratuity scheme.

20. (1) A gratuity scheme may be established, in accordance with such regulations as may be made in that behalf, for the payment of gratuities to all or any of the persons appointed or deemed to be appointed officers or servants for the purposes of this Act and to any of the dependants of such persons.

(2) The gratuity scheme established under the Tea Control Ordinance shall be deemed to be a gratuity scheme established under subsection (1) of this section and shall be continued and maintained accordingly.

(3) Any contribution or gratuity which on or before the 31st day of March, 1948, was payable to or from the gratuity scheme established under the Tea Control Ordinance and which on the appointed date remains unpaid, shall be deemed to be a contribution or gratuity payable to or from the gratuity scheme deemed to be established under subsection (1) of this section and shall be paid accordingly.

Offences.

21. (1) Every person who—

(*a*) commits a breach of any of the provisions of this Act or of any regulation, or

(*b*) makes default in complying with any direction or requirement duly given or made under the powers conferred by this Act, or

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(c) resists or obstructs any person in the performance of the duties imposed or in the exercise of the powers conferred upon him by or under this Act, or

(d) makes any declaration or furnishes any return containing any particular which is false and which he knows to be false or does not believe to be true,

shall be guilty of an offence, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees, or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

(2) No prosecution for any offence under this Act shall be instituted except with the written sanction of the Controller.

22. (1) The Minister may make regulations for the purpose of giving effect to the provisions of this Act. **Regulations.**

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1) of this section, the Minister may make regulations for or in respect of all or any of the following matters :—

(a) all matters stated or required in this Act to be prescribed ;

(b) the forms of the registers which the Controller is required by this Act to keep, and the particulars to be entered in those registers ;

(c) the forms of the returns, notices and declarations required to be made or issued for the purposes of this Act ;

(d) the registration of estates, small holdings, proprietors of estates or small holdings, and manufacturers.

(3) Every regulation made by the Minister under this section shall be published in the Gazette and shall come into operation upon publication.

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(4) Every regulation made by the Minister under this section shall be brought before the Senate and the House of Representatives within a period of one month from the date of publication of that regulation in the Gazette, or, if no meeting of the Senate or of the House of Representatives, as the case may be, is held within that period, at the first meeting thereof after the expiry of that period, by a motion that such regulation shall be approved.

(5) Any regulation which the Senate or the House of Representatives refuses to approve shall be deemed to be rescinded but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation. The date on which a regulation shall so be deemed to be rescinded shall be the date on which the Senate or the House of Representatives refuses to approve the regulation.

(6) Notification of the date on which any regulation made by the Minister under this section is deemed to be rescinded shall be published in the Gazette.

(7) Where any regulation made by the Minister under this section is approved by the Senate and the House of Representatives, notification of the approval shall be published in the Gazette.

Saving of regulations made under the Tea Control Ordinance.

23. Notwithstanding the expiry of the Tea Control Ordinance every regulation thereunder relating to any matter for or in respect of which regulations may be made under this Act shall, so far as it is not inconsistent with this Act, come into and be in force with effect from the appointed date, until amended or rescinded or replaced by a regulation made under this Act.

Duration of Act.

24. This Act shall cease to be in force on such date as may be appointed by the Minister by Order published in the Gazette.

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Interpretation.

25. In this Act, unless the context otherwise requires—

" appointed date " means the 1st day of July, 1949 ;

" board " means the Tea Advisory Board established under section 4 ;

" Controller " means the person appointed or deemed to be appointed under section 2 to be or to act as Tea Controller, and includes the Assistant Tea Controller ;

" estate " means an area of land, ten acres or more in extent, on which the tea plant is grown for the purpose of harvesting the leaf thereof for conversion into made tea ;

" made tea " means tea manufactured from the leaf of the tea plant but does not include red-leaf, fluff, or sweepings ;

" manufacturer " means any person who, being lawfully in possession of a tea factory, whether as owner, lessee, usufructuary mortgagee or otherwise, manufactures made tea at that factory ;

" Netherlands East Indies " includes, Java, Sumatra and all other islands in the Netherlands East Indies ;

" prescribed " means prescribed by regulation ;

" proprietor " means the owner, lessee, usufructuary mortgagee or other person lawfully in possession and taking the produce of any estate or small holding, and, where such owner, lessee, mortgagee or other person is absent from Ceylon, includes any duly accredited agent of such owner, lessee, mortgagee or other person ;

" registered " means registered or deemed to be registered under this Act ;

" regulation " means a regulation made under this Act ;

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" small holding " means an area of land less than ten acres in extent on which the tea plant is grown for the purpose of harvesting the leaf thereof for conversion into made tea ;

" tea " means the plant known as " Thea Sinensis " and includes the leaf thereof whether in a natural or manufactured state ;

" Tea Control Fund " means the Tea Control Fund established under section 15 (1) ;

" Tea Control Ordinance " means the Tea Control Ordinance, No. 12 of 1938 ; and

" year of control " means the period of twelve months commencing on the first day of April in any year.

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CHAPTER 436

RUBBER CONTROL

AN ACT TO PROVIDE FOR THE REGISTRATION OF RUBBER PLANTATIONS AND THE PROPRIETORS THEREOF, FOR THE CONTROL OF THE PLANTING AND REPLANTING OF RUBBER, THE POSSESSION, SALE AND PURCHASE OF RUBBER, AND THE EXPORTATION OF RUBBER SEED AND SUCH PARTS OF THE RUBBER PLANT AS ARE CAPABLE OF BEING USED FOR PROPAGATION, FOR THE IMPOSITION OF AN EXPORT DUTY ON RUBBER, FOR THE ESTABLISHMENT OF A RUBBER ADVISORY BOARD, AND FOR MATTERS CONNECTED THEREWITH.

Act No. 11 of 1956.

[*1st May, 1956.*]

1. This Act may be cited as the Rubber Control Act. Short title.

PART I

REGISTRATION OF RUBBER PLANTATIONS AND THE PROPRIETORS THEREOF

2. (1) The Controller shall maintain a Register of Estates in which he shall cause the prescribed particulars of estates and the prescribed particulars of the proprietors of estates to be registered. Register of Estates and Register of Small Holdings.

(2) Where the prescribed particulars of an estate are registered in the Register of Estates, that estate shall, for the purposes of this Act, be a registered estate so long as the registration relating to that estate is in force.

(3) Where the prescribed particulars of any proprietor of an estate are registered in the Register of Estates, he shall, for the purposes of this Act, be a registered proprietor of that estate so long as the registration relating to him is in force.

(4) The Controller shall maintain a Register of Small Holdings in which he shall cause the prescribed particulars of small holdings and the prescribed particulars of the proprietors of small holdings to be registered.

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(5) Where the prescribed particulars of a small holding are registered in the Register of Small Holdings, that small holding shall, for the purposes of this Act, be a registered small holding so long as the registration relating to that small holding is in force.

(6) Where the prescribed particulars of any proprietor of a small holding are registered in the Register of Small Holdings, he shall, for the purposes of this Act, be a registered proprietor of that small holding so long as the registration relating to him is in force.

(7) Any register of estates and any register of small holdings maintained or deemed to be maintained under the Rubber Control Ordinance shall be deemed to be respectively a Register of Estates and a Register of Small Holdings maintained under this Act.

(8) Every estate which, on the day immediately preceding the appointed date, is, or is deemed to be, a registered estate under the Rubber Control Ordinance shall be deemed to be a registered estate for the purposes of this Act so long as the registration relating to that estate is in force.

(9) Every small holding which, on the day immediately preceding the appointed date, is, or is deemed to be, a registered small holding under the Rubber Control Ordinance shall be deemed to be a registered small holding for the purposes of this Act so long as the registration relating to that small holding is in force.

(10) A person who, on the day immediately preceding the appointed date, is, or is deemed to be, a registered proprietor of an estate under the Rubber Control Ordinance shall be deemed to be a registered proprietor of that estate for the purposes of this Act so long as the registration relating to him is in force.

(11) A person who, on the day immediately preceding the appointed date, is, or is deemed to be, a registered proprietor of a small holding under the Rubber Control Ordinance shall be deemed to be a registered proprietor of that small holding for the purposes of this Act so long as the registration relating to him is in force.

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Returns to be furnished before registration.

3. (1) The proprietor, or any one of the proprietors, of any estate or small holding which, on the day immediately preceding the appointed date is not, or is not deemed to be, a registered estate or a registered small holding under the Rubber Control Ordinance shall, within six months after the appointed date, furnish to the Controller a return in the prescribed form.

(2) A person to whom a permit is issued under this Act to plant rubber on any land which is not a nursery shall, within three months after the completion of the planting of rubber on that land, furnish to the Controller a return in the prescribed form.

(3) Where the Controller is satisfied, on written application made to him, that any person required to furnish a statement under the preceding provisions of this section is unable to furnish that statement within the period specified in those provisions, he may fix some later date after the expiry of such period before which the return shall be furnished. Where the Controller has, under the preceding provisions of this section, in relation to any person, fixed a later date, such person shall furnish the return before that date.

Determination of questions relating to registration.

4. (1) The Controller shall decide—

(*a*) whether any land planted with rubber is an estate or a small holding for the purposes of this Act, and

(*b*) whether any person is entitled to be registered as the proprietor of an estate or a small holding.

(2) No decision of the Controller under subsection (1) of this section, and no decision of the Minister upon an appeal made to him under this Act, in regard to the proprietorship of any estate or small holding shall operate as *res adjudicata* on any question in any civil action in which the title to that estate or small holding or to any portion or share thereof is in issue.

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Amendment of registers.

5. (1) The registered proprietor, or any one of the registered proprietors, of any estate or small holding shall, within one month after the occurrence of any circumstance affecting the accuracy of any particular contained in any return furnished by him under the Rubber Control Ordinance or under this Act, notify in writing that circumstance to the Controller in order that the Controller may make the necessary amendments in the entries relating to that estate or small holding in the Register of Estates or the Register of Small Holdings.

(2) Where a change occurs in the ownership of any registered estate or registered small holding, the new owner, or any one of the new owners, of that estate or small holding shall notify in writing the change to the Controller within one month after the occurrence of the change in order that the Controller may amend the entries relating to the proprietor or proprietors of that estate or small holding in the Register of Estates or the Register of Small Holdings.

(3) Where the registered proprietor, or any one of the registered proprietors, of any estate or small holding dies, the person, or any one of the persons, entering into possession or having control of that estate or small holding or having charge of the business of the deceased shall give written information of the death to the Controller within one month after the date of the death, and shall be responsible for furnishing all such information in regard to that estate or small holding as may be required by the Controller, until the successor or each successor to the deceased's right, title and interest to and in that estate or small holding is registered as the proprietor or one of the proprietors of that estate or small holding.

(4) Without prejudice to the preceding provisions of this section, the Controller may at any time amend any entry in the Register of Estates or the Register of Small Holdings, if he is satisfied, after such inquiry as he may deem necessary, that such entry is incorrect. Before amending any such entry, the Controller shall give notice in writing of his decision to amend that

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entry and of the particulars of the proposed amendment to the registered proprietor or each registered proprietor or other person who, in his opinion, will be affected by such amendment.

Registered proprietors to furnish returns in respect of certain matters periodically.

6. Where the extent of an estate exceeds the prescribed extent, the registered proprietor, or any one of the registered proprietors, of that estate shall, on or before the tenth day of each month, furnish to the Controller in respect of that estate a return setting out the following particulars :—

(*a*) the quantity of rubber from that estate produced during the preceding month ;

(*b*) the quantity of rubber from that estate sold during the preceding month ;

(*c*) the quantity of rubber from that estate in stock at midnight on the last day of the preceding month ; and

(*d*) such other particulars as may be prescribed.

PART II

Control Of The Planting And Replanting Of Rubber

Planting or replanting of rubber to be under the authority of a permit issued by the Controller.

7. (1) Except under the authority of a permit issued by the Controller and except in accordance with such conditions as are specified in subsection (2) of section 9 and any other conditions which may be prescribed, no person shall plant or replant rubber on any land which is not a nursery.

(2) Except under the authority of a permit issued by the Controller and except in accordance with such conditions as may be prescribed, no person shall plant rubber for the purposes of a nursery.

Applications for permits.

8. Every application for a permit referred to in section 7 shall be in the prescribed form and shall be made to the Controller.

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Rubber planting permits.

9. (1) The Controller may issue, or refuse to issue, a permit or may issue a permit to plant or replant rubber on only a portion of the land to which the application for the permit relates.

(2) Every permit to plant or replant rubber on any land other than a permit to plant rubber for the purposes of a nursery shall—

(*a*) unless there is special provision in the permit giving leave to plant that land with ordinary rubber seeds or seedlings, be subject to the condition that such land shall be planted with—

(i) any of the specified clonal seeds or clonal seedlings, or

(ii) budded rubber stumps of any of the specified varieties, or

(iii) stumped buddings of any of the specified varieties ; and

(*b*) where there is special provision in the permit giving leave to plant that land with ordinary rubber seeds or seedlings, be subject to the condition that the plants growing from such seeds or seedlings on that land shall be budded with any of the specified clones before a specified date.

(3) Every permit to plant or replant rubber shall be in the prescribed form.

(4) Any permit to plant or replant rubber which has been issued under any enactment repealed by Act No. 11 of 1956 and which is in force on the day immediately preceding the appointed date shall have effect as if it were a permit issued under this section.

PART III

Control Of The Possession, Sale And Purchase Of Rubber

Possession of rubber exceeding a prescribed quantity.

10. No person, other than a licensed dealer, or a licensed manufacturer, or the registered proprietor of an estate or small holding, shall have in his possession any quantity of rubber in excess of the prescribed quantity.

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Sale of rubber exceeding a prescribed quantity.

11. No person, other than a licensed dealer or a registered proprietor of an estate or a small holding, shall sell any quantity of rubber exceeding the prescribed quantity to any other person.

Purchase of rubber exceeding a prescribed quantity.

12. No person, other than a licensed dealer or a licensed manufacturer, shall purchase any quantity of rubber exceeding the prescribed quantity from any other person.

Licensed dealers.

13. (1) The Controller may, on application made in the prescribed form, issue a licence to carry on the business of a dealer in rubber (hereafter in this section referred to as a "dealer's licence") to any person or to any body of persons carrying on business in partnership (hereafter in this section referred to as a "firm").

(2) The Controller may refuse to issue and may revoke a dealer's licence.

(3) No dealer's licence shall be issued until the prescribed fee for such licence is paid.

(4) A dealer's licence issued in respect of a firm shall authorize the persons who are for the time being specified in that licence as the partners of that firm to carry on jointly and not severally the business of a dealer in rubber.

(5) Where a dealer's licence issued in respect of any firm is in force, the fact that any person has ceased to be, or has become, a partner of that firm shall forthwith be notified in writing to the Controller by the other partners of that firm, and when notifying that fact the other partners of that firm shall return that licence to the Controller for amendment of such particulars in it as relate to the partners of that firm.

(6) A dealer's licence issued in respect of a firm shall not cease to be in force by reason only of the death or retirement of any of the partners of that firm, but, if during the period of validity of that licence that firm is dissolved, that licence shall cease to be in force.

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(7) A dealer's licence, other than a dealer's licence issued in respect of a firm, shall, if during the period of its validity the licensee dies, cease to be in force.

(8) No person or firm shall carry on the business of a dealer in rubber in any premises unless that person or firm has a dealer's licence authorizing the carrying on of such business in those premises.

(9) Every dealer's licence shall—

(*a*) be in the prescribed form,

(*b*) state the name and address of the licensee, or, if such licence is in respect of a firm, the names and addresses of the partners of that firm,

(*c*) describe the premises (hereinafter referred to as the "licensed premises") at which the business of a dealer in rubber is authorized to be carried on, and

(*d*) unless it earlier ceases to be in force, expire on the thirty-first day of December following the date of its issue.

(10) A person or firm in respect of whom a dealer's licence is issued shall display in a conspicuous position in the licensed premises a board bearing the Sinhalese and Tamil equivalents of the expression "Licensed Dealer in Rubber" and also that expression in English.

Furnishing of monthly returns by licensed dealers.

14. Every licensed dealer shall, on or before the fifth day of each month, transmit to the Controller a return in the prescribed form specifying the quantity of rubber which, in the preceding month, was purchased or sold by him.

Record of rubber delivered to or from licensed premises.

15. Every licensed dealer shall maintain in his licensed premises a record in the prescribed form relating to each quantity of rubber delivered to or from those premises.

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Scales to be kept in licensed premises.

16. Every licensed dealer shall keep in his licensed premises scales capable of weighing up to one hundred pounds and shall, upon being requested to do so by the Controller or by an officer authorized by the Controller, cause any rubber in those premises to be weighed, and shall permit and give every facility and assistance to the Controller or such authorized officer to compare the weight of the stock of rubber in those premises with the weights as shown in the record maintained under section 15.

Declaration to be received with rubber delivered to licensed premises.

17. (1) No licensed dealer shall take delivery, or cause or permit delivery to be taken, of any rubber which is not the produce of any estate or small holding of which he is the registered proprietor, unless such rubber is accompanied by a declaration signed by the supplier of such rubber or by any person on behalf of such supplier and specifying the name and address of such supplier, the quantity of such rubber, and the place from which such rubber is delivered.

(2) Every licensed dealer shall retain in his possession any declaration furnished to him under subsection (1) for at least one year from the date on which the declaration is made.

Taking delivery of rubber by a licensed dealer elsewhere than in licensed premises.

18. Except under the authority of a permit issued by the Controller, no licensed dealer shall take delivery, or cause or permit delivery to be taken, of any rubber at any place other than his licensed premises :

Provided however that no such permit shall be required in any case where a licensed dealer takes delivery or causes or permits delivery to be taken, of any rubber, within any customs premises for the purpose of shipment from Ceylon.

Licensed manufacturers.

19. (1) The Controller may issue a licence (hereafter in this section referred to as a "manufacturer's licence") to any person manufacturing, or to any body of persons (hereafter in this section referred to as a "firm") carrying on in partnership the business of

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manufacturing, any articles made wholly or partly of rubber, authorizing the purchase of rubber required for the manufacture of such articles.

In this subsection, the expression "articles made wholly or partly of rubber" includes sheet rubber, crepe rubber and scrap crepe rubber.

(2) The Controller may refuse to issue and may revoke a manufacturer's licence.

(3) No manufacturer's licence shall be issued until the prescribed fee for such licence is paid.

(4) A manufacturer's licence issued in respect of a firm shall authorize the persons who are for the time being specified in that licence as the partners of that firm to purchase rubber jointly and not severally for the manufacture of the articles made by that firm wholly or partly of rubber.

(5) Where a manufacturer's licence issued in respect of a firm is in force, the fact that any person has ceased to be, or has become, a partner of that firm shall forthwith be notified in writing to the Controller by the other partners of that firm, and when notifying that fact the other partners of that firm shall return that licence to the Controller for amendment of such particulars in it as relate to the partners of that firm.

(6) A manufacturer's licence issued in respect of a firm shall not cease to be in force by reason only of the death or retirement of any of the partners of that firm, but, if during the period of validity of that licence that firm is dissolved, that licence shall cease to be in force.

(7) A manufacturer's licence, other than a manufacturer's licence issued in respect of a firm, shall, if during the period of its validity the licensee dies, cease to be in force.

(8) Every manufacturer's licence shall—

(*a*) be in the prescribed form,

(*b*) state the name and address of the licensee, or, if such licence is in respect of a firm, the names and addresses of the partners of that firm, and

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(c) unless it ceases to be in force earlier, be in force during the period specified in it or, if no such period is so specified, until it is revoked by the Controller.

Furnishing of monthly returns by licensed manufacturers.

20. Every licensed manufacturer shall, on or before the fifth day of each month, transmit to the Controller a return specifying the quantity of rubber which was purchased by him in the preceding month.

Declaration to be received with rubber delivered to a licensed manufacturer.

21. No licensed manufacturer shall take delivery, or cause or permit delivery to be taken, of any rubber which is not the produce of any estate or a small holding of which he is the registered proprietor, unless such rubber is accompanied by a declaration signed by the supplier of such rubber or by any person on behalf of such supplier and specifying the name and address of such supplier, the quantity of such rubber, and the place from which such rubber is delivered.

Licences and permits issued under the Rubber Thefts Prevention Ordinance, 1908.

22. (1) Every licence to deal in rubber issued under the Rubber Thefts Prevention Ordinance, 1908,* and in force on the day immediately preceding the appointed date shall have effect as if it were a dealer's licence issued under this Act.

(2) Every permit to purchase rubber issued under the Rubber Thefts Prevention Ordinance, 1908,* and in force on the day immediately preceding the appointed date shall have effect as if it were a manufacturer's licence issued under this Act.

PART IV

Control Of The Exportation Of Rubber Seed, &c., And Imposition Of Export Duty On Rubber

Export of rubber seed, &c.

23. Except under the authority of a permit (hereafter in this Part referred to as an "export permit") issued by the Controller and except in accordance with such conditions as may be prescribed, no person shall

* Repealed by Act No. 11 of 1956.

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export from Ceylon to any other country any seed, root, stump, or bud of any rubber plant, or any such cutting from any living portion of any rubber plant as may be capable of being used for propagation.

Application for export permits.

24. (1) Every application for an export permit shall be in the prescribed form and shall be made to the Controller.

(2) The Controller may refuse to issue and may revoke an export permit.

(3) Every export permit shall—

(*a*) be in the prescribed form,

(*b*) state the name and address of the person to whom it is issued or, if such permit is in respect of a firm, the names and addresses of the partners of that firm, and

(*c*) unless it ceases to be in force earlier, be in force during the period specified in it or, if no such period is so specified, until it is revoked by the Controller.

Export duty on rubber.

25. (1) There shall be charged, levied and paid an export duty on rubber calculated at the rate of fifteen cents for every one hundred pounds of rubber exported from Ceylon:

Provided, however, that no such duty shall be charged or levied on any rubber which is proved to the satisfaction of the Principal Collector of Customs to have been imported into Ceylon for the purposes of re-export.

(2) The amount of the duty imposed by subsection (1) of this section may be varied, or the duty imposed may be rescinded at any time by a resolution of the House of Representatives. Such resolution shall be published in the Gazette and shall come into effect from the date of such publication.

(3) This section shall have effect as though it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.

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(4) The export duty on rubber imposed under this section shall be in addition to the export duties on rubber levied under any other written law.

Proceeds of export duty to be paid to Rubber Control Fund.

26. The proceeds of the export duty on rubber recovered under this Act are hereby allocated to the purposes of the Rubber Control Fund established under this Act, and accordingly such proceeds shall not form part of the Consolidated Fund of Ceylon and shall be paid monthly to the Controller by the Principal Collector of Customs to be credited to such Rubber Control Fund.

PART V

Appeals And Offences

Appeals.

27. (1) Any person aggrieved—

(*a*) by the decision of the Controller on any application for a licence or permit under this Act, or by the decision of the Controller to revoke any such licence or permit, or

(*b*) by the decision of the Controller to amend under subsection (4) of section 5 any entry in the Register of Estates or the Register of Small Holdings,

may, within twenty-eight days after the date of such decision, appeal in writing from such decision to the Minister.

(2) The Minister shall, before reaching his decision, give the person making an appeal under this section the opportunity of placing his case before the Minister either in person or by his representative.

(3) The Minister's decision on any appeal under this section shall be final and shall not be called in question in any court.

Contravention of this Act or of any regulation made thereunder to be an offence.

28. Every person who commits a breach of any of the provisions of this Act or of any regulation made thereunder shall be guilty of an offence under this Act.

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Non-compliance with direction under this Act to be an offence.

29. Every person who makes default in complying with any direction or requirement given or made under this Act shall be guilty of an offence under this Act.

Resistance or obstruction of persons performing duties or exercising powers under this Act to be an offence.

30. Every person who resists or obstructs any other person in the performance or exercise of any duty or power imposed or conferred on that other person by or under this Act shall be guilty of an offence under this Act.

Making false declaration, return, or record to be an offence.

31. Every person who states in any declaration, record, or return required by or under this Act any particular which is false and which he knows to be false or does not believe to be true, shall be guilty of an offence under this Act.

Offence connected with declaration accompanying rubber delivered to a licensed dealer or to a licensed manufacturer.

32. If the quantity of rubber specified in a declaration made under section 17 or section 21 by or on behalf of a registered proprietor of any estate or small holding or by or on behalf of a registered dealer exceeds the total quantity of rubber which could reasonably have been produced in that estate or small holding or could reasonably have been supplied by that dealer, as the case may be, the declarant and, if the declaration is made on behalf of any other person, such other person also, shall be guilty of an offence under this Act unless the excess is accounted for to the satisfaction of the court.

Offence connected with discrepancy in weight of rubber stocked and weight of rubber recorded.

33. If there is a discrepancy in the weight of rubber found on the licensed premises of a licensed dealer and the weight of rubber which, according to the record maintained by him under section 15 in respect of those premises, ought to be on those premises, he shall be guilty of an offence under this Act unless he satisfies the court that such discrepancy is due to natural causes, or to some loss, or has arisen through some bona fide mistake.

Punishment for offences under this Act.

34. Every person who is guilty of an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one

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thousand rupees or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

35. No prosecution for an offence under this Act shall be instituted except with the written sanction of the Controller.

Controller's sanction necessary for prosecution.

PART VI

Rubber Control Fund And Rubber Advisory Board

36. There shall be established a Rubber Control Fund for the purposes of this Act.

Establishment of Rubber Control Fund.

37. There shall be paid to the Rubber Control Fund established under this Act—

Sums to be paid to the Rubber Control Fund.

(*a*) all sums lying on the appointed date to the credit of the Rubber Control Fund established under the Rubber Control Ordinance,

(*b*) all sums which are payable under the Rubber Control Ordinance to the Rubber Control Fund established under that Ordinance and which remain unpaid on the appointed date, and

(*c*) all sums required by any other provision of this Act to be credited to the Rubber Control Fund established under this Act.

38. There shall be paid out of the Rubber Control Fund established under this Act—

Sums to be paid out of the Rubber Control Fund.

(*a*) the remuneration payable to persons employed for the purposes of this Act,

(*b*) all other expenses of the administration of this Act,

(*c*) the prescribed contributions to any gratuity scheme established or deemed to be established under this Act, and

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(*d*) such expenses as may be incurred in connexion with Ceylon's membership of the International Rubber Study Group.

Application of surplus in the Rubber Control Fund.

39. Any surplus which may, at the end of each year, be found to the credit of the Rubber Control Fund established under this Act after all the payments authorized by this Act to be made out of that fund have been made may be applied wholly or in part, in such manner as the Minister may from time to time determine, to the furtherance and development of the rubber industry and to purposes connected therewith or incidental thereto.

Establishment of Rubber Advisory Board.

40. There shall be established a Rubber Advisory Board which shall consist of the Controller who shall be the chairman of such board, and such other members, not exceeding ten in number, as the Minister may appoint. Two of the members of such board appointed by the Minister shall be selected to represent small holders, at least one of the members appointed by the Minister shall be selected to represent licensed dealers and one member appointed by him shall be a public officer attached to the Ministry of Commerce and Trade.

Duties of the Rubber Advisory Board.

41. (1) The Rubber Advisory Board shall—

(*a*) advise the Controller on all matters which he may refer to such board for advice,

(*b*) advise on any such matter relating to the rubber industry as may be placed before such board for consideration at the request of any member of such board, and

(*c*) advise on any appeal under this Act which may be referred to such board by the Minister for advice.

(2) Regulations may be made prescribing the procedure in regard to the conduct of the business of the Rubber Advisory Board. Subject to any such regulations, such board may regulate its own procedure.

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PART VII

General

Regulations.

42. (1) The Minister may make regulations for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1) of this section, the Minister may make regulations in respect of all or any of the following matters :—

(*a*) all matters stated or required by this Act to be prescribed ;

(*b*) all matters for which regulations are authorized by this Act to be made ;

(*c*) the forms of the registers, records, returns, declarations and other documents required for the purposes of this Act ; and

(*d*) the procedure to be observed in the hearing of appeals under this Act.

(3) No regulation made by the Minister shall have effect until it has been approved by the Senate and the House of Representatives. Every regulation so approved shall be published in the Gazette and shall come into operation upon such publication.

Appointment of Controller and other officers.

43. (1) There may be appointed for the purposes of this Act—

(*a*) a person, by name or by office, to be or to act as the Rubber Controller, and

(*b*) such other officers and servants as may from time to time be required for the purposes of this Act.

(2) Every person functioning on the day immediately preceding the appointed date as an officer or servant for the purposes of the Rubber Control Ordinance shall be deemed to be an officer or servant appointed for the purposes of this Act.

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Controller to be subject to general direction of the Minister.

44. The Controller shall, in the exercise of the powers and the discharge of his duties under this Act, be subject to the general direction of the Minister.

Delegation of Controller's powers.

45. In relation to any matter or to any class of matters or to any area or district, the Controller may, with the approval of the Minister, delegate by writing under his hand any of his powers under this Act except the power of delegation under this section. Any power so delegated may be exercised by the delegate with respect to the matter or class of matters, or to the area or district, specified in the instrument of delegation.

Controller's power to call for information.

46. (1) The Controller may, by written notice, direct an applicant for registration as the proprietor of any estate or small holding or for a licence or permit under this Act, or a registered proprietor of any estate or small holding, or a licensed dealer, or a licensed manufacturer, or the holder of a permit under this Act—

(*a*) to furnish before a date specified in the notice such information as the Controller may by the notice require for any purpose of this Act or such information or explanation as the Controller may by the notice require in respect of any particulars stated in any return, declaration or other document furnished by the person to whom the direction is given, and

(*b*) to produce or cause to be produced before a date specified in the notice such documentary or other evidence as the Controller may require for the purpose of verifying any information furnished by such person.

(2) A notice to any person under subsection (1) of this section shall be deemed to have been served on that person if it has been sent by post by registered letter—

(*a*) where that person is a registered proprietor, to his address as specified in the Register of Estates or the Register of Small Holdings, as the case may be, or

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(*b*) where that person is not a registered proprietor, to his residence or place of business.

Powers of Controller and certain officers in respect of estates, small holdings, and licensed premises.

47. (1) The Controller or any officer authorized by him or any police officer not below the rank of Sergeant may at any time between sunrise and sunset enter any estate, small holding, or licensed premises for carrying out an inspection or making a survey plan for the purposes of this Act, and may request the production of, and make copies of any entries in, any record required by this Act to be maintained in respect of such estate, small holding, or premises.

(2) The person for the time being in charge of any estate, small holding, or licensed premises shall admit thereto any officer who is empowered by subsection (1) of this section to enter such estate, small holding or premises, and shall, if called upon to do so, produce to such officer any record required by this Act to be maintained in respect of such estate, small holding, or premises and permit such officer to make a copy of any entries in such record.

Verification of returns, explanations and information.

48. A person who furnishes any return, explanation or information under this Act shall verify it by a declaration that the statements contained therein are true and accurate.

No stamp duty on declarations.

49. Every declaration made under this Act shall be free from stamp duty.

Estimates of the income and expenditure of the Rubber Control Fund.

50. (1) The Controller shall transmit to the Minister, not later than the fifteenth day of November in each year, estimates of the income likely to accrue to, and the expenditure likely to be incurred out of, the Rubber Control Fund in the next succeeding year.

(2) The Minister shall, at the first convenient opportunity, place the estimates transmitted to him by the Controller under subsection (1) of this section before the House of Representatives for its approval.

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(3) Notwithstanding anything to the contrary contained in the preceding provisions of this section—

(*a*) the Controller shall transmit to the Minister, not later than two months after the appointed date, estimates of the income likely to accrue to, and the expenditure likely to be incurred out of, the Rubber Control Fund during the period commencing on the appointed date and ending on the thirty-first day of December immediately succeeding that date ; and

(*b*) the Minister shall, at the first convenient opportunity, place the estimates transmitted to him by the Controller under paragraph (*a*) of this subsection before the House of Representatives for its approval.

(4) In this section, "year" means the period of twelve months commencing on the first day of January.

Gratuity scheme.

51. (1) A gratuity scheme may be established, in accordance with such regulations as may be made in that behalf, for the payment of gratuities to all or any of the officers and servants appointed or deemed to be appointed for the purposes of this Act and to any of their dependants.

(2) The gratuity scheme established under the Rubber Control Ordinance shall be deemed to be a gratuity scheme established under this section and shall be continued and maintained accordingly.

(3) Any contribution or gratuity which before the appointed date was payable under the gratuity scheme established under the Rubber Control Ordinance and which on the appointed date remains unpaid shall be deemed to be a contribution or gratuity payable under the gratuity scheme deemed to be established under this section and shall be paid accordingly.

Interpretation.

52. (1) In this Act, unless the context otherwise requires—

"appointed date" means the 1st day of May, 1956 ;

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"Controller" means the person appointed or deemed to have been appointed under this Act to be or to act as the Rubber Controller ;

"estate" means an area of land which is not less than ten acres in extent and on which rubber plants are grown for the purpose of collecting latex therefrom ;

"licensed dealer" means a person or body of persons authorized by a dealer's licence to carry on the business of a dealer in rubber ;

"licensed manufacturer" means a person or body of persons authorized by a manufacturer's licence to purchase rubber required for the manufacture of any articles made wholly or partly of rubber ;

"proprietor" means an owner or a lessee or usufructuary mortgagee or any other person lawfully in possession and taking the produce of any estate or small holding, and includes an accredited agent of such owner, lessee, usufructuary mortgagee or other person ;

"registered" means registered or deemed to be registered under this Act ;

"rubber"—

(*a*) with reference to planting, means rubber seeds, or seedlings, clonal seeds, budded rubber stumps, stumped buddings, rubber plants, or any such cuttings from any living portions of any rubber plants as may be capable of being used for propagation, and

(*b*) in any other context, means—

(i) rubber prepared from the latex of any rubber plant, or

(ii) latex of any rubber plant whether fluid or coagulated in any stage of the treatment to which it is subjected during the process of conversion into rubber, or

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(iii) latex in any stage of concentration, but does not include any manufactured article made wholly or partly of rubber ;

"Rubber Control Ordinance" means the Rubber Control Ordinance, No. 63 of 1938 ;

"rubber plant" means a plant, tree, shrub or vine and includes any leaf, flower, seed, bud, twig, branch, root or any living portion of any plant, tree, shrub or vine which may be used to propagate any of the following :—

(*a*) Hevea Braziliensis (Para Rubber),

(*b*) Manihot Glaziovii (Ceara Rubber),

(*c*) Castilloa Elastica, and

(*d*) Ficus Elastica (Rambong) ;

"small holding" means an area of land which is less than ten acres in extent and on which rubber plants are grown for the purpose of collecting latex therefrom ; and

"specified clonal seeds", "specified clones", "specified date" and "specified measures" mean respectively such clonal seeds, clones, date and measures as may be specified by the Controller for the purposes of subsection (2) of section 9 by notice published in the Gazette and in at least one Sinhalese newspaper, one Tamil newspaper and one English newspaper circulating in Ceylon.

(2) Any provision of Part I of this Act relating to or affecting the proprietor of any estate or small holding shall apply equally to any person who is the owner of any portion or share, whether divided or undivided, of that estate or small holding.

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CHAPTER 437

RUBBER REPLANTING SUBSIDY

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A FUND FOR THE PURPOSE OF SUBSIDIZING THE REPLANTING OF RUBBER PLANTS, FOR THE IMPOSITION OF AN EXPORT DUTY ON RUBBER TO BE PAID INTO SUCH FUND AND FOR THE VALIDATION OF EXPENDITURE HITHERTO INCURRED ON WORK PREPARATORY TO THE INTRODUCTION OF A SCHEME FOR SUCH PURPOSE.

Acts Nos. 36 of 1953, 1 of 1955.

[*5th October, 1953.*]

Short title.

1. This Act may be cited as the Rubber Replanting Subsidy Act.

Rubber Replanting Subsidy Fund.

2. There shall be established a fund called the Rubber Replanting Subsidy Fund for the purpose of subsidizing, in accordance with such regulations as may be made in that behalf, the replanting of rubber plants.

Payments into and out of the fund.

3. (1) There shall be paid into the fund—

(*a*) such sum as may be determined by the Minister out of the moneys retained by the Rubber Commissioner from the proceeds of the sale of sheet rubber purchased by him during the period commencing on the 1st day of January, 1953, and ending on the appointed date ; and

(*b*) the proceeds of all export duties levied under this Act.

(2) There shall be paid out of the fund—

(*a*) such amounts as are authorized by regulations to be paid for the purpose of subsidizing the replanting of rubber plants ;

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(*b*) the expenses of the administration of this Act;

(*c*) the prescribed contributions to any provident fund or scheme established for the payment of gratuities to any or all of the officers and servants employed for the purposes of this Act and their dependants; and

(*d*) such remuneration as may be payable to members of the Rubber Replanting Advisory Board established under this Act.

Administration of the fund.

4. (1) The Rubber Controller shall, subject to the direction and control of the Minister, administer the fund.

(2) There may be appointed such officers and servants as may be necessary for the administration of the fund.

Investment of moneys of the fund.

5. Any moneys of the fund may be invested in such manner as may be approved by the Minister with the concurrence of the Minister of Finance.

Accounts of the fund.

6. (1) The Rubber Controller shall cause full accounts of the fund to be kept.

(2) The accounts of the fund shall be audited by the Auditor-General.

(3) The Rubber Controller shall, as soon as possible after the thirty-first day of December of each year, issue a report on the administration of the fund together with a statement of the income and expenditure of the fund and of the investments of moneys of the fund during the preceding year.

(4) Every report and statement of the Rubber Controller under subsection (3) shall be transmitted by him to the Minister who shall cause them to be laid before Parliament.

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Special export duties for providing the fund with an income.

7. (1) There shall be charged, levied and paid an export duty of ten cents for every pound of sheet rubber exported from Ceylon.

[§ 2, 1 of 1955.]

(2) There shall be charged, levied and paid an export duty of four cents for every pound of scrap crepe rubber exported from Ceylon.

[§ 2, 1 of 1955.]

(3) There shall be charged, levied and paid an export duty of ten cents for every pound of crepe rubber (other than scrap crepe rubber) exported from Ceylon.

(4) The question whether any crepe rubber is of any particular description shall be determined by the Rubber Controller and his decision shall be final.

(5) The amount of any export duty imposed by this section may be varied or any such export duty may be rescinded by resolution of the House of Representatives.

(6) This section shall have effect as though it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly :

Provided that the export duties imposed by this Act shall be in addition to any export duty imposed by or under that Ordinance or any other written law.

(7) The proceeds of all export duties imposed by this Act shall be paid monthly to the Rubber Controller by the Principal Collector of Customs and shall be credited to the fund.

Regulations.

8. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters :—

(*a*) a scheme of subsidizing with moneys of the fund the replanting of rubber plants ;

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(*b*) all matters stated or required in this Act to be prescribed ;

(*c*) the establishment and regulation of a provident fund or scheme for the payment of gratuities to any or all of the officers and servants employed for the purposes of this Act and their dependants, and the determination of the amounts to be paid to such provident fund or scheme from the fund.

(3) Regulations in respect of the scheme referred to in paragraph (*a*) of subsection (2) may—

(*a*) contain such conditions, prohibitions and other provisions as may be necessary for securing the due operation and enforcement of the scheme, and

(*b*) declare the contravention of, or the failure to comply with, any prescribed provisions of the regulations, and the furnishing of false information or returns to be an offence triable summarily by a Magistrate and specify as punishment for such offence a fine of an amount not exceeding one thousand rupees or a term of imprisonment of either description not exceeding six months or both such fine and such imprisonment.

(4) All regulations shall be published in the Gazette and shall come into operation on a date specified in that behalf in the regulations or, if no date is so specified, upon such publication, and shall, as soon as practicable after their publication in the Gazette, be brought before the Senate and the House of Representatives for approval. Where any regulation is not approved either by the Senate or by the House of Representatives, it shall be deemed to be rescinded and the rescission shall take effect on the date on which the regulation is not approved.

(5) The validity of anything done under a regulation shall not be affected by the subsequent rescission of the regulation under subsection (4).

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(6) Notification of the date on which the rescission of a regulation under subsection (4) takes effect shall be published in the Gazette.

Winding up of the fund.

9. The Minister may, in such manner as may be approved by the House of Representatives, wind up the fund and dispose of any moneys left therein.

Rubber Replanting Advisory Board.

10. (1) There shall be established a board (hereinafter referred to as the " board ") which shall be called the Rubber Replanting Advisory Board and which shall consist of the Rubber Controller, who shall be the chairman of the board, and such other members as the Minister may appoint.

(2) Every member of the board, other than the chairman of the board, shall, unless his appointment is revoked earlier under subsection (3), hold office for such period as may be specified in the letter of appointment issued to him by the Minister.

(3) The Minister may revoke any appointment of a member of the board.

(4) It shall be the duty of the board to advise the Minister on the administration of this Act and on any such matter to which this Act relates as may be referred by the Minister to the board for advice.

(5) The members of the board may be paid such remuneration as the Minister may determine with the concurrence of the Minister of Finance.

Validation of certain expenditure hitherto incurred.

11. All expenditure hitherto incurred on work preparatory to the introduction of a scheme of subsidizing the replanting of rubber plants shall be deemed to have been as valid as though such expenditure had been authorized by law, notwithstanding that such expenditure had been incurred without compliance with the provisions of the Ceylon (Constitution) Order in Council, 1946, relating to the expenditure of public funds.

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Duration of Act.

12. This Act shall expire on such date as may be appointed by the Minister by Order published in the Gazette :

Provided, however, that the expiration of this Act shall not affect any fine, penalty, forfeiture or punishment previously incurred under this Act or under any regulation, or affect any legal proceedings or remedy in respect of any such fine, penalty, forfeiture or punishment, and any such legal proceeding may be instituted, continued or enforced and such fine, penalty, forfeiture or punishment may be imposed as if this Act had not expired.

Interpretation.

13. In this Act, unless the context otherwise requires—

" appointed date " means the 5th day of October, 1953 ;

" fund " means the Rubber Replanting Subsidy Fund established under this Act;

" prescribed " means prescribed by regulation ;

" regulation " means a regulation made under this Act ;

" replanting "—

(*a*) means planting rubber plants in an area in which there are rubber plants on the appointed date, and

(*b*) includes planting rubber plants in any other area, if but only if the rubber plants in an area equal in extent to such other area are eradicated after the appointed date ;

" Rubber Commissioner " means the Commissioner who purchases sheet rubber in Ceylon on behalf of the Government of Ceylon ;

" Rubber Controller " means the Rubber Controller appointed under the Rubber Control Ordinance, No. 63 of 1938 ;

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"rubber plant" means a plant, tree, shrub or vine and includes any leaf, flower, seed, bud, twig, branch, root or any living portion of any plant, tree, shrub or vine which may be used to propagate any of the following:—

(*a*) Hevea Braziliensis (Para Rubber),

(*b*) Manihot Glaziovii (Ceara Rubber),

(*c*) Castilloa Elastica,

(*d*) Ficus Elastica (Rambong),

(*e*) any other plant, tree, shrub or vine which the Rubber Controller may by notification published in the Gazette declare to be a rubber plant for the purposes of this Act.

M. 39——J. N. R 7598 (4/60)

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CHAPTER 438

TEA RESEARCH

Ordinance No. 12 of 1925, *Acts* Nos. 24 of 1948, 32 of 1951, 51 of 1953, 20 of 1955.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A TEA RESEARCH INSTITUTE AND FOR THE INCORPORATION OF THE BOARD OF MANAGEMENT THEREOF.

[*13th November, 1925.*]

Short title.

1. This Ordinance may be cited as the Tea Research Ordinance.

Establishment of Tea Research Institute.

2. An institute, styled "The Tea Research Institute of Ceylon", shall be established in Ceylon for the purpose of research into and investigation of all problems and matters relating to tea and the provision and publication of information relating to the same, and shall provide such facilities for the education of students in tea research as the Minister[1] may from time to time direct.

Incorporation of board.

3. (1) The institute shall be under the control and management of a board to be styled "The Board of the Tea Research Institute of Ceylon", in this Ordinance called the board.

(2) The board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in all courts by the name of "The Board of the Tea Research Institute of Ceylon".

(3) The board may acquire and hold property, movable and immovable, and may sell, transfer, lease, mortgage, or otherwise dispose of the same, contract and do all things necessary for or incidental to the purposes of its constitution.

Headquarters of the board.
[§ 2, 24 of 1948.]

4. The headquarters of the board shall be at St. Coombs Estate, Talawakelle, or at such other place as may be appointed by the Minister in that behalf.

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Constitution of the board.

5. (1) The following persons shall be members of the board :—

(*a*) *Ex officio* members—

The Director of Agriculture.

The Minister of Finance or his representative.[1]

The Chairman of the Planters' Association of Ceylon.

The Chairman of the Agency Section of the Planters' Association of Ceylon. [§ 3, 24 of 1948.]

The Tea Controller. [§ 2, 51 of 1953.]

The Chairman of the Low-country Products Association of Ceylon. [§ 2, 20 of 1955.]

(*b*) Nominated members—

Three members nominated by the General Committee of the Planters' Association of Ceylon.

Three members nominated by the Agency Section of the Planters' Association of Ceylon. [§ 3, 24 of 1948.]

Three members nominated by the Low-country Products Association of Ceylon. [§ 3, 24 of 1948.]

Two persons nominated by the Minister to represent the small holders. [§ 2, 20 of 1955.]

One member of the House of Representatives nominated by the Minister. [§ 2, 20 of 1955.]

(2) Nominated members shall hold office for three years, but may be renominated from time to time.

Vacation of membership through absence.

6. Any member nominated under section 5 (1) (*b*) who is absent without reasonable cause from three ordinary consecutive meetings of the board may, by resolution of the board passed at any ordinary meeting of which notice has been duly given, be held to have vacated his office.

Death or resignation of member.

7. Upon the death, resignation, or the termination or vacation of office of any member of the board, a new member may be nominated in accordance with the provisions of section 5.

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Acting appointments.

8. If any nominated member shall be unable or unwilling to act or shall be absent from Ceylon, the body which nominated him may appoint any other person to be a nominated member during the inability or unwillingness of such first-mentioned member to act or during his absence from Ceylon.

Chairman.

9. (1) The board shall elect its own chairman.

(2) In the absence of the chairman from any meeting of the board, a chairman for such meeting shall be chosen by the members present.

Meetings and quorum.

10. (1) The chairman shall summon meetings of the board when necessary, and shall at any time summon a meeting upon receipt of a request signed by two members of the board calling upon him to do so.

(2) Five members shall form a quorum. All questions shall be decided by a majority of members voting. In the case of equality of votes, the chairman shall have a second or casting vote, and all matters decided at a meeting of the board shall be recorded in a proceedings book kept by the secretary to the board. Matters may also be decided by the circulation of papers, on which members of the board may record their votes, and all such decisions shall be reported to the next meeting of the board and incorporated into the proceedings book.

Provision for annual income.

[§ 3, 51 of 1953.]

11. (1) In order to provide an annual income for the board, there shall be charged, levied, and paid, in addition to the export duty charged under the Customs Ordinance, an export duty of fifty-five cents per one hundred pounds of tea exported and so in proportion for any less weight, the proceeds of which shall be paid over monthly to the board by the Principal Collector of Customs, no part thereof being credited to the Consolidated Fund.[1]

(2) This section shall have effect as though it formed part of the Customs Ordinance.

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General powers.

[§ 5, 24 of 1948.]

12. (1) The board shall have full power and authority generally to govern, direct, and decide all matters connected with the appointment of officers and servants of the institute and the administration of its affairs and the accomplishment of its objects and purposes.

(2) All moneys raised for the general purposes and objects of the institute shall be paid to the board and shall be applied by the board in its discretion to the accomplishment of such objects and purposes.

Provident fund.

[§ 6, 24 of 1948.]

13. The board may establish and maintain a provident fund for the benefit of all or any of its officers and servants, make contributions out of the moneys at its disposal to that fund, regulate the management and investment thereof, and prescribe the contributions to be made thereto by, and payments to be made therefrom to, such officers and servants.

Accounts.

14. Within one month after each thirty-first December the board shall cause to be prepared a statement of the receipts and disbursements during the previous year, and the same shall be subject to such audit and published in such manner as the Minister [1] may direct, and a full report of the work of the board, with the said statement of the receipts and disbursements, shall be laid on the table of the Senate and the House of Representatives. [1]

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CHAPTER 439

RUBBER RESEARCH

Ordinances
Nos. 10 of 1930,
11 of 1934,
3 of 1936,
58 of 1946,
63 of 1946,
Acts
Nos. 27 of 1948,
7 of 1950,
30 of 1951,
50 of 1953,
3 of 1955.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A RUBBER RESEARCH SCHEME AND FOR THE INCORPORATION OF A BOARD OF MANAGEMENT THEREOF.

[*1st August, 1930.*]

Short title.

1. This Ordinance may be cited as the Rubber Research Ordinance.

Establishment of board.

[§ 2, 30 of 1951.]

2. There shall be established in Ceylon a board, hereinafter called "the board", for the purpose of furthering and developing the rubber industry, and of establishing and maintaining a rubber research institution and otherwise managing, conducting, encouraging and promoting scientific research in respect of rubber and all problems connected with the rubber industry, and in particular the growth and cultivation of rubber plants, the prevention and cure of diseases, blights and pests, the processes for the treatment of rubber latex and the conversion of such latex into marketable rubber, and the utilization, marketing, and disposal of rubber and in general of all products derived from rubber plants.

Constitution and proceedings of the board.

[§ 2, 50 of 1953.]

3. (1) The board shall consist of the following persons :—

(*a*) *Ex officio* members :—

the Director of Agriculture ;

the Deputy Secretary to the Treasury ;

the Rubber Controller ; and

the Director of the Rubber Research Institute, who shall be the vice-chairman of the board.

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(*b*) Nominated members :— [§ 2, 27 of 1948.]

one member of the Senate nominated by the Minister ;

one member of the House of Representatives nominated by the Minister ;

two members of the Planters' Association of Ceylon nominated by that association ;

two members of the Low-country Products Association nominated by that association ; and

one person nominated by the Minister to represent the small holders.

(2) The chairman of the board shall be elected by the members of the board from among themselves. [§ 2, 7 of 1950.]

(3) Members of the board who are nominated under subsection (1) (*b*) from among Senators and Members of Parliament and from the members of [1] the Planters' Association of Ceylon, and the Low-country Products Association shall hold office for a period of three years, or for such period as they continue to be members of those bodies, whichever period may be the shorter : [§ 2, 27 of 1948.]

Provided that if at any time Parliament [1] is dissolved those Members of Parliament [1] who have been nominated as members of the board shall continue in office as members of the board until the election of members of the House of Representatives [1] at the next succeeding general election, notwithstanding that by so doing they shall have remained in office as members of the board for a period exceeding three years.

Any other nominated member shall hold office for a period of three years, and all nominated members may be renominated from time to time.

(4) No proceedings held or taken, and no act, matter, or thing done by the board shall be invalidated by reason only of any vacancy in the membership of the board.

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(5) The proceedings of the board shall be conducted and the method of filling such vacancies as may occur in its membership shall be determined in accordance with the provisions of the Schedule.

(6) The Minister [1] may by regulation revoke, amend, or add to the Schedule.

Incorporation and powers and duties of the board.

4. (1) The members of the board for the time being shall be a body corporate and shall have the name of " The Rubber Research Board ", and in that name shall have perpetual succession and shall and may sue and be sued in all courts in Ceylon, and may have and use a common seal.

(2) The seal of the board shall be authenticated by the signature of the chairman and one member of the board, and, in the absence of the chairman, by three members of the board, and when so authenticated shall be judicially noticed.

(3) The board may acquire and hold and receive by way of gift, donation, transfer, or otherwise moneys, funds, and property, movable and immovable, and may sell, transfer, lease, mortgage, or otherwise dispose of the same, or any produce thereof, and may direct and do all things necessary for or incidental to the purposes of its constitution.

[§ 2, 3 of 1955.]

(4) The board may, in such manner as it thinks fit, borrow money and secure the repayment of any money borrowed.

(5) The board may apply for, purchase or otherwise acquire any patents, *brevets d'invention,* concessions and the like conferring an exclusive or non-exclusive or limited right to use, or any information as to, any invention which may seem capable of being used for any of the objects and purposes of the board, or the acquisition of which may seem calculated directly or indirectly to assist the accomplishment of such objects and purposes ; and may use, exercise, develop, grant licences in respect of, or otherwise turn to account, the property, rights and information so acquired.

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(6) The board may establish experimental stations for the purposes of this Ordinance, and may equip the same with buildings, houses, laboratories, factories, and all other appurtenances or accessories as it may think fit.

(7) The board shall, by the provision and publication of information, as well as by advice and demonstration and the inspection of plantations, give practical assistance to persons engaged in the rubber industry.

(8) The board shall also provide such facilities for the education of students in rubber research as the Minister may from time to time direct. [§ 3, 27 of 1948.]

(9) The board shall have full power and authority generally to govern, direct, and decide all matters connected with the appointment of its officers and servants, the administration of its affairs, and the accomplishment of its objects and purposes: [§ 2, 63 of 1946.]

Provided that any such officers or servants when appointed shall, for the purposes of discipline and otherwise, be subject to the control and supervision of the chairman of the board. [§ 2, 63 of 1946.]

(10) The board may establish and maintain a provident fund for the benefit of all or any of its officers and servants, make contributions out of the moneys at its disposal to that fund, regulate the management and investment thereof, prescribe the contributions to be made thereto by and the payments to be made therefrom to such officers and servants, provide that no sum standing to the credit of a member in the provident fund shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any claim whatsoever other than a debt due to the Government or to the board, and lay down the conditions under which any such sum may be repaid or declared forfeit or otherwise applied for the purposes of the fund. [§ 2, 63 of 1946.]

(11) The board shall have power to fix the rates of salary, remuneration, bonus, royalties, allowances and all other moneys paid to its servants from time to time, [§ 3, 27 of 1948.]

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and to apportion moneys derived from patents, *brevets d'invention* and other similar rights and privileges between itself and its servants in such manner as it may deem equitable.

(12) Such power and authority shall include a power to make rules subject to the approval of the Minister[1] for any such matters, affairs, objects, or purposes.

Approval of regulations and rules.

5. All regulations made under section 3 (6) and all rules made under section 4 (12) shall be laid, as soon as conveniently may be, on the table of the Senate and the House of Representatives [1] at two successive meetings, and shall be brought before the Senate and the House of Representatives [1] at the next subsequent meeting held thereafter by a motion that the said regulations or rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said regulations or rules are disapproved by the Senate or the House of Representatives, [1] such regulations or rules shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder ; and such regulations or rules, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette.

Annual income of the board.

6. (1) (*a*) In order to provide an annual income for the board there shall be charged, levied, and paid on all rubber exported from Ceylon an export duty of one-eighth of a cent on every pound of rubber exported from Ceylon, and the proceeds thereof shall be paid over monthly to the board by the Principal Collector of Customs, no part thereof being credited to the Consolidated Fund :

[§ 4, 27 of 1948.]

Provided that, during the period commencing on the 1st day of January, 1949, and ending on the 31st day of December, 1958, there shall be charged, levied and paid, for the purpose aforesaid, an export duty of eleven-twentieths of a cent on every pound of rubber exported from Ceylon, in lieu of the export duty specified in the preceding provisions of this subsection ;

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[§ 2, 58 of 1946.]

Provided further that no duty shall be charged or levied at the time of export on any rubber which is proved to the satisfaction of the Principal Collector of Customs to have been imported or brought into Ceylon for the purpose of re-export.

(*b*) Such duty shall be in addition to the duties charged or chargeable under the Customs Ordinance, or any enactment amending the same, or under any resolution of the State Council or the House of Representatives[1] duly made under the said Ordinance or any of the said enactments.

(2) Subsection (1) (*a*) shall have effect as though it formed a part of the Customs Ordinance, and that Ordinance shall apply accordingly.

(3) For the purposes of this section "rubber" shall include marketable rubber prepared from the latex of the rubber plant, as defined in the Rubber Thefts Prevention Ordinance, 1908, * and the latex of any such plant after coagulation and in any stage of the treatment to which it is subjected during the process of conversion into marketable rubber, and also fluid rubber latex, but shall not include rubber imported into Ceylon for purpose of treatment and export or any manufactured article wholly or partly made of rubber.

(4) For the purpose of calculating the duty under subsection (1) one gallon of fluid latex shall be taken to be equivalent to three and a half pounds of dry rubber and one and a half pounds of coagulated latex shall be taken to be equivalent to one pound of dry rubber.

Application of income and other moneys.

7. All moneys paid to the board under this Ordinance and all moneys otherwise lawfully acquired by the board or which may be transferred to the board by an order of the Governor made under section 3 (2) of the Rubber Restriction Repeal Ordinance, 1928,† shall be vested in the board and shall form a fund to be administered and applied by the board in its discretion for the carrying out of this Ordinance.

* Repealed by Act No. 11 of 1956.
† Omitted from this Edition.

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Estimates and balance sheet.

8. (1) The board shall, on or before the thirtieth day of November in each year, cause to be laid on the table of the Senate and the House of Representatives[1] estimates of income and expenditure for the next ensuing year.

Balance sheet and annual report.

(2) Within three months after each thirty-first day of December the board shall cause to be prepared a balance sheet, showing the property and liabilities of the board, which shall be audited by the Auditor-General or an auditor nominated by the Minister,[1] and a report of the work of the board, with the said balance sheet, shall be laid on the table of the Senate and the House of Representatives.[1]

Protection for members and officers of the board.

9. No matter or thing done or omitted to be done under the direction of the board by any member or officer of the board shall, if such matter or thing was bona fide done or omitted to be done in pursuance of this Ordinance or in furtherance of the objects and purposes of the board or the administration of its affairs, subject any such member or officer personally in any civil court to any action, liability, claim or demand whatsoever.

Saving of rights of the Crown and of certain other rights.

10. Nothing in this Ordinance shall be deemed to affect the rights of Her Majesty the Queen, Her Heirs and Successors, or of any body politic or corporate, or of any other person, except such as are mentioned in this Ordinance, and those claiming by, from, or under them.

SCHEDULE

[Section 3 (5) and (6).]

PROCEEDINGS

Meetings.

1. (1) The chairman shall summon a meeting of the board at least once in every three months.

(2) The chairman shall also summon a special meeting of the board within fifteen days after being requested in writing to do so by three members of the board.

(3) The chairman shall give at least ten days' notice in writing of every meeting or special meeting of the board to each of the members, and shall ordinarily specify in such notice the business to be dealt with at the meeting.

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2. The chairman or in his absence the vice-chairman shall preside at all meetings of the board. — Chairman of meetings. [§ 5, 27 of 1948.]

3. Five members of the board shall form a quorum at any meeting of the board. — Quorum.

4. In the case of an equality of votes, the chairman shall have a second or casting vote. — Voting.

5. All matters decided at a meeting of the board shall be recorded in a minute book, and any matter may also be decided by the circulation of papers to all members unless any member of the board desires that the matter shall be decided at a meeting of the board. When any matter is so decided by the circulation of papers, the decision shall be reported to the board at the next meeting and incorporated in the minute book. — Decisions.

6. A copy of the minutes of every meeting shall be forwarded to the Minister.[1] — Minutes to be forwarded to the Minister.

7. The vice-chairman, when officiating for the chairman, shall exercise, perform or discharge any power, duty or function expressly conferred or imposed upon the chairman by these regulations. — Vice-chairman to exercise, &c., power, duty, or function of chairman. [§ 5, 27 of 1948.]

8. Subject to the provisions of this Schedule, the board may settle its own procedure. — Board may settle its own procedure.

FILLING OF VACANCIES

9. Any nominated member who is absent from three ordinary consecutive meetings of the board shall be deemed to have vacated his office : — Vacation of membership through absence.

Provided that the board may in its discretion restore him to his office at any time before the nomination of another member to fill the vacancy.

10. Upon the death, resignation, or the termination or vacation of office of any nominated member of the board, a new member may be nominated in accordance with the provisions of section 3 of the Rubber Research Ordinance. — Death, resignation, &c., of member.

11. If any nominated member is unable to act or is absent from Ceylon, the Minister[1] or the association by which he was nominated shall nominate another person to act during such inability or absence. — Acting appointments.

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CHAPTER 440

COCONUT RESEARCH

Ordinances
Nos. 29 of 1928,
77 of 1938,
30 of 1940,
14 of 1941,
62 of 1946,
Acts
Nos. 31 of 1950,
31 of 1951,
22 of 1954.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A COCONUT RESEARCH SCHEME AND FOR THE INCORPORATION OF A BOARD OF MANAGEMENT THEREOF.

[*5th December, 1928.*]

Short title.

1. This Ordinance may be cited as the Coconut Research Ordinance.

Establishment of board.

[§ 2, 31 of 1951.]

2. There shall be established in Ceylon a board, hereinafter called "the board", for the purpose of establishing and maintaining a coconut research institute and otherwise managing, conducting, and furthering scientific research in respect of coconuts and problems connected with the coconut industry, and in particular the growth and cultivation of coconut palms, the prevention and cure of diseases and pests, and the utilization and marketing of the products of coconut palms, and for the purpose of exercising the powers and carrying out the duties conferred and imposed upon it by this Ordinance.

Constitution and proceedings of the board.

3. (1) The board shall consist of the following persons :—

(*a*) *Ex officio* members—

The Director of Agriculture, who shall be chairman of the board.

The Minister of Finance,[1] or a person deputed by him.

The Chairman of the Low-country Products Association of Ceylon.

[§ 3, 31 of 1951.]

The Director of the Coconut Research Institute.

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(*b*) Nominated members—

Two persons selected from among Senators and Members of Parliament and [1] nominated by the Minister. [1]

Two members of the Low-country Products Association of Ceylon nominated by that association.

Two members of the Planters' Association of Ceylon nominated by that association.

Two members nominated by the Minister [1] to represent the small holders.

(2) Members of the board who are nominated under subsection (1) (*b*) from among Senators and Members of Parliament and from the members of [1] the Low-country Products Association of Ceylon and the Planters' Association of Ceylon shall hold office for a period of three years, or for such period as they continue to be members of those bodies, whichever period may be the shorter.

Any other nominated member shall hold office for three years, and all nominated members may be re-nominated from time to time.

(3) The proceedings of the board and the method of filling such vacancies as may occur in its membership shall be determined in accordance with the provisions of the First Schedule.

(4) The Minister [1] may by regulation revoke, amend or add to the First Schedule, and all such regulations shall be laid, as soon as conveniently may be, on the table of the Senate and the House of Representatives [1] at two successive meetings of the Senate and the House of Representatives, [1] and shall be brought before the Senate and the House of Representatives [1] at the next subsequent meeting held thereafter by a motion that the said regulations shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said regulations are disapproved by the Senate or the House of Representatives, [1] such regulations shall be deemed to be rescinded

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as from the date of such disapproval, but without prejudice to anything already done thereunder ; and such regulations, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette.

Incorporation and powers and duties of the board. [§ 4, 31 of 1951.]

4. (1) The members of the board for the time being shall be a body corporate and shall have the name of " The Coconut Research Board ", and in that name shall have perpetual succession and shall and may sue and be sued in all courts in Ceylon, and may have and use a common seal.

(2) The seal of the board shall be authenticated by the signature of the chairman and one member of the board, and when so authenticated shall be judicially noticed.

(3) The board may acquire and hold property, movable and immovable, and may sell, transfer, lease, mortgage, or otherwise dispose of the same, or any produce thereof, and may direct and do all things necessary for or incidental to the purposes of its constitution.

(4) The board may establish experimental stations for the purposes of this Ordinance, and may equip the same with buildings, houses, laboratories, factories, and all other appurtenances or accessories as it may think fit.

(5) The board shall, by the provision and publication of information, as well as by advice and demonstration and the inspection of plantations, give practical assistance to persons engaged in the coconut industry.

(6) The board shall also provide such facilities for the education of students in coconut research as the Minister [1] may from time to time direct.

(7) The board shall have full power and authority generally to govern, direct, and decide all matters connected with the appointment of its officers and servants, the administration of its affairs, and the accomplishment of its objects and purposes :

[§ 2, 62 of 1946.]

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Provided that any such officers or servants when appointed shall, for the purposes of discipline and otherwise, be subject to the control and supervision of the chairman of the board. [§ 2, 62 of 1946.]

(8) The board may establish and maintain a provident fund for the benefit of all or any of its officers and servants, make contributions out of the moneys at its disposal to that fund, regulate the management and investment thereof, and prescribe the contributions to be made thereto by, and the payments to be made therefrom to, such officers and servants. [§ 2, 62 of 1946.]

(9) Such power and authority shall include a power to make rules subject to the approval of the Minister [1] for any such matters, affairs, objects or purposes ; and all such rules shall be laid, as soon as conveniently may be, on the table of the Senate and the House of Representatives [1] at two successive meetings of the Senate and the House of Representatives, [1] and shall be brought before the Senate and the House of Representatives [1] at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by the Senate or the House of Representatives, [1] such rules shall be deemed to be rescinded, but without prejudice to anything already done thereunder ; and such rules if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette.

Grant and loan to the board.

5. (1) The Deputy Secretary to the Treasury [1] shall, out of money to be provided for that purpose by Parliament, [1] pay to the board the sum of four hundred thousand rupees, one-half of which shall be deemed to be a grant to the board (hereinafter referred to as " the grant "), and the other half of which shall be deemed to be a loan to the board (hereinafter referred to as " the loan "), and such sum shall be applied by the board for the purpose of acquiring any lands for experiment and research in relation to coconuts and for the capital expenditure of equipping the same for experimental and research work.

M. 40——J. N. R 7598 (4/60)

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(2) The grant shall be paid to the board by the Deputy Secretary to the Treasury [1] on application.

(3) The loan shall be paid to the board in such instalments and on such dates as the Minister [1] may consider suitable to the requirements of the board.

[§ 2, 77 of 1938.]

(4) The board shall repay the principal amount of the loan or of any instalment thereof by means of ten equal annual payments, the first of which payments shall be due on the expiry of a period of one year from the date on which the loan or the instalment thereof, as the case may be, is paid to the board.

Together with each such annual payment the board shall also pay interest, at such rate as the Minister with the concurrence of the Minister of Finance [1] may fix, on the amount of the loan or of the instalment thereof, as the case may be, which was outstanding during the year preceding the date on which such payment is made.

The Minister with the concurrence of the Minister of Finance [1] may, at any time before repayment of the loan or of the instalment thereof, as the case may be, is completed, reduce the rate of interest so fixed, with effect from a specified date.

(5) Without prejudice to any other right or remedy, the Crown is hereby given a first hypothecary charge (which shall not require registration) on all the property and assets of the board for the amount of the loan and any interest due thereon.

Annual income of the board.

6. (1) In order to provide an annual income for the board—

(*a*) there shall be charged, levied, and paid, in addition to the export duties charged or chargeable under the Customs Ordinance, or any enactment amending the same, or under any resolution of the House of Representatives [1] duly made under the said Ordinance or any of the said enactments, the export duties specified in the Second Schedule and the proceeds thereof shall be paid over monthly to the board by the Principal Collector of Customs, no part thereof being credited to the Consolidated Fund ; [1] and

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(*b*) the Deputy Secretary to the Treasury[1] shall, on or before the first day of November in each year, pay to the board as a grant-in-aid from the Consolidated Fund,[1] until such date as may be specified by the Minister[1] under subsection (3), a sum of thirty thousand rupees, or a sum equal to the total of the export duties levied under subsection (1) (*a*) during the year ending on the last preceding thirtieth day of September, whichever sum may be the less : [§ 2, 30 of 1940.]

Provided that the Deputy Secretary to the Treasury[1] may, subject to any subsequent adjustments that may be necessary, pay to the board any portion or portions of the said sum from time to time during the year if he deems it expedient to do so.

(2) Subsection (1) (*a*) shall have effect as though it formed a part of the Customs Ordinance, and that Ordinance shall apply accordingly.

(3) The Minister[1] may by Order[1] published in the Gazette direct that on and after such date as may be specified in the Order,[1] no further payments under subsection (1) (*b*) shall be made by the Deputy Secretary to the Treasury[1] to the board. [§ 2, 30 of 1940.]

Application of income and other moneys.

7. All moneys paid to the board under this Ordinance and all moneys otherwise lawfully acquired by the board shall be vested in the board and shall form a fund to be administered and applied by the board in its discretion for the carrying out of this Ordinance.

Estimates and accounts.

8. (1) The board shall, on or before the thirty-first day of October in each year, cause to be laid on the table of the Senate and the House of Representatives[1] estimates of income and expenditure for the next ensuing year.

(2) Within one month after each thirty-first day of December, the board shall cause to be prepared statements of the receipts and disbursements during the previous year, and the same shall be subject to such

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audit and published in such manner as the Minister [1] may direct, and a report of the work of the board, with the said statement of receipts and disbursements, shall be laid on the table of the Senate and the House of Representatives. [1]

Minister to decide questions.

9. If any question arises whether any act or omission of the board is or is not within the powers conferred on the board by this Ordinance, the decision of the Minister [1] thereon shall be final and conclusive.

Protection for the members of the board and its employees.

10. No civil or criminal proceedings shall be instituted against any member of the board or any person employed thereby in respect of any act bona fide done or omitted to be done in pursuance of this Ordinance, or in furtherance of the objects and purposes of the board or the administration of its affairs.

Savings of rights of the Crown and of certain other rights.

11. Nothing in this Ordinance shall be deemed to affect the rights of Her Majesty the Queen, Her Heirs and Successors, or of any body politic or corporate, or of any other person, except such as are mentioned in this Ordinance, and those claiming by, from, or under them.

[Section 3 (3) and (4).]

FIRST SCHEDULE

PROCEEDINGS

Meetings.

1. The chairman shall summon a meeting of the board at least once in every three months or more frequently if necessary, and shall at any time summon a special meeting on being requested in writing to do so by two members of the board.

Chairman of meetings.

2. The chairman shall preside at all meetings of the board, but in his absence at any meeting the members present may elect their own chairman for the meeting from amongst their own number.

Quorum.

3. Four members of the board shall form a quorum at any meeting of the board.

Voting.

4. In the case of an equality of votes, the chairman shall have a second or casting vote.

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5. All matters decided at a meeting of the board shall be recorded in a minute book, and any matter may also be decided by the circulation of papers unless any member of the board desires that the matter shall be decided at a meeting of the board. When any matter is so decided by the circulation of papers, the decision shall be reported to the board at the next meeting and incorporated in the minute book. — Minutes.

6. A copy of the minutes of every meeting shall be forwarded to the Minister.[1] — Minutes to be forwarded to the Minister.

7. Subject to the provisions of this Schedule, the board may settle its own procedure. — Board may settle its own procedure.

FILLING OF VACANCIES

8. Any nominated member who is absent without reasonable cause from three ordinary consecutive meetings of the board shall be deemed to have vacated his office. — Vacation of membership through absence.

9. Upon the death, resignation, or the termination or vacation of office of any nominated member of the board, a new member may be nominated in accordance with the provisions of secton 3 of the Coconut Research Ordinance. — Death, resignation, &c., of member.

10. If any nominated member is unable or unwilling to act, or is absent from Ceylon, the person or persons who nominated him shall nominate another person to act during such inability, unwillingness, or absence. — Acting appointments.

SECOND SCHEDULE

[Section 6 (1) (*a*).]

EXPORT DUTIES

[§ 2, 22 of 1954.]

Desiccated Coconut	..	35 cts. per cwt. exported
Fresh Coconut	..	Re. 1.00 per 1,000 exported
Coconut Oil	..	37½ cts. per cwt. exported
Copra	..	25 cts. per cwt. exported

And in proportion for less weights or numbers.

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CHAPTER 441

DEPARTMENT OF AGRICULTURE

Ordinances Nos. 37 of 1921, 17 of 1935.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT AND ORGANIZATION OF A DEPARTMENT OF AGRICULTURE.

[*17th October, 1921.*]

Short title.

1. This Ordinance may be cited as the Department of Agriculture Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"agriculture" includes horticulture;

"department" means the Department of Agriculture;

"Director" means the Director of Agriculture.

Department of Agriculture.

3. There shall be a Government department to be styled the Department of Agriculture, with a Director and such other officers as may be duly appointed by Government at such salaries as may from time to time be fixed with the consent of the House of Representatives.[1]

Establishment of one or more Boards of Agriculture.

4. (1) The Minister[1] may establish one or more Boards of Agriculture for the purpose of advising the Minister[1] on matters affecting the agricultural industries of Ceylon.

(2) Any board so established shall be constituted in such manner as the Minister[1] may from time to time determine.

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CHAPTER 442

AGRICULTURAL CORPS

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT, MANAGEMENT AND CONTROL OF AN AGRICULTURAL CORPS AND FOR OTHER MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Ordinance No. 60 of 1946.

[*24th February, 1946.*]

Short title.

1. This Ordinance may be cited as the Agricultural Corps Ordinance.

Establishment of the Agricultural Corps.

2. There shall be established a body to be called and known as the Agricultural Corps.

Constitution of the corps.

3. The corps shall consist of—

(*a*) a supervising staff, and

(*b*) officers and men not exceeding such numbers as the Minister[1] may from time to time determine.

Supervising staff.

4. The supervising staff shall consist of a Commissioner and such number of Assistant Commissioners and accountant officers as the Minister[1] may from time to time determine.

Members of supervising staff to be public servants.

5.[3] Every member of the supervising staff shall be deemed to be a public servant for all purposes.

Functions of members of the supervising staff.

6. (1) Subject to the general direction and control of the Minister, the Commissioner shall be responsible for the administration and management of the corps.

(2) The Assistant Commissioners and accountant officers shall exercise, perform or discharge such powers, duties or functions as may, subject to any direction of the Minister, be assigned to them by the Commissioner.

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Units of the corps to consist of officers and other ranks.

7. (1) The corps shall consist of such number of units as the Commissioner may from time to time determine.

(2) Every unit shall consist of officers and other ranks of the several grades specified in the Schedule, the strength of each such grade not exceeding such number as may be prescribed.

(3) The power to appoint the officers and to select and enrol other ranks of each unit shall, subject to such regulations as may be made in that behalf, be vested in the Commissioner.

(4) Every officer or man appointed to or enrolled in a unit under this section is hereinafter referred to as a "member of a unit".

Members of units to receive pay, uniform, badges and rations of food.

8. Every member of a unit shall be entitled to receive the prescribed pay and allowances and the prescribed uniforms, badges and rations of food. All such payments and the cost of the uniforms, badges and rations of food shall be met out of funds provided for the purpose by Parliament.[1]

Duties of a member of a unit.

9. It shall be the duty of every member of a unit to perform such duties and discharge such functions as may be prescribed by regulation or be assigned to him by or under the authority of the Commissioner in any case where no such regulation has been made.

Disbanding of the corps or reduction of the numbers of the corps.

10. The Minister[1] may by Order published in the Gazette—

(*a*) disband the corps, or

(*b*) reduce the numbers of the corps.

Resignation of members of units.

11. Except with the special permission of the Commissioner, no member of a unit shall be entitled to resign from the corps unless he has given, not less than one month before the date on which he desires to resign, notice in writing to the Commissioner of his intention to resign.

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Discharge or dismissal of members.

12. (1) The Commissioner may, after giving to any member of a unit such notice as may be prescribed, discharge that member from the corps in any case where—

(*a*) effect has to be given to any Order of the Minister[1] whereby the numbers of the corps are reduced ; or

(*b*) the Commissioner is satisfied that the member has become unfit for service by reason of ill health or any physical disability.

(2) The Commissioner may dismiss any member of a unit from the corps, after an inquiry in accordance with the provisions of the Public Service Commission Rules applicable to public officers of the same class or grade as that member or in receipt of a salary equal to the pay of that member, if in the opinion of the Commissioner or the person so authorized—

(*a*) that member—

(i) fails to discharge his duties satisfactorily, or

(ii) acts or conducts himself in a manner likely to be detrimental to good order or discipline in the corps ; or

(*b*) it is not desirable that that member should continue to be a member of the corps.

Offences and penalties.

13. Every member of a unit who—

(*a*) neglects or refuses to obey any order or direction given or issued to him by or under the authority of the Commissioner for the purposes of this Ordinance or any regulation made thereunder ;

(*b*) causes or creates any disorder within the corps ;

(*c*) deserts service in the corps ; or

(*d*) on leaving the corps fails or refuses to return the uniforms and badges issued to him,

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shall be guilty of an offence, and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.

Power of Commissioner to make standing orders and inflict punishments.

14. (1) The Commissioner may, with the approval of the Minister, make such standing orders as he may deem necessary for the administration and management of, and for the maintenance of discipline within, the corps.

(2) Where any member of a unit contravenes a standing order made by the Commissioner for the maintenance of discipline within the corps, the Commissioner, or any person authorized by him in writing, may direct that the pay of that member for a period not exceeding seven days commencing on the day of the sentence shall be forfeited.

Regulations.

15. (1) The Minister[1] may make regulations for carrying out or giving effect to the principles and provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1) such regulations may—

(*a*) provide for any matter which is in this Ordinance stated or required to be prescribed ;

(*b*) prescribe the conditions relating to the appointment, enlistment, service and discharge of the members of a unit ;

(*c*) prescribe the functions and duties of such members ;

(*d*) prescribe the conditions relating to the grant of leave to such members ;

(*e*) prescribe the kinds of uniforms and badges to be worn by the supervising staff, and the officers and members of the units, and provide for the use, care and return of such uniforms or badges.

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(3) Every regulation made under subsection (1) shall be published in the Gazette, and shall come into operation upon such publication.

(4) Every regulation made under subsection (1) shall be brought before the Senate and the House of Representatives[1] within a period of one month from the date of publication of that regulation under subsection (3), or if no meeting of the Senate or the House of Representatives[1] is held within that period, at the first meeting of the Senate or the House of Representatives[1] after the expiry of that period by a motion that such regulation shall be approved.

(5) Any regulation which the Senate or the House of Representatives[1] refuses to approve shall be deemed to be rescinded but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation. The date on which a regulation shall be so deemed to be rescinded shall be the date on which the Senate or the House of Representatives[1] refuses to approve the regulation.

Interpretation.

16. In this Ordinance, unless the context otherwise requires—

"Commissioner" means the Commissioner for the time being in charge of the Agricultural Corps ;

"corps" means the Agricultural Corps established under section 2 ;

"unit" means a unit of the corps.

Transitional provisions.

17. (1) The Agricultural Corps established under the provisions of the Defence Agricultural Corps Regulations, 1945, shall be deemed to have been established under the provisions of this Ordinance in like manner as if this Ordinance had been in force on the date on which the corps was established.

(2) Every appointment made under the aforesaid regulations, whether of the Commissioner, Assistant Commissioners, accountant officers, or members of the

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corps holding office or serving on the date immediately preceding the date on which this Ordinance comes into operation, shall be deemed to have been made under the provisions of this Ordinance in like manner as if this Ordinance had been in force on the date on which such appointment was made.

[Section 7.]

SCHEDULE

The officers and other ranks constituting a unit shall be of the following grades :—

1. Officers—

Superintendent,
Officer-in-Charge,
Chief Inspector,
Senior Inspector,
Inspector.

2. Other ranks—

Overseer,
Sevaka.

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CHAPTER 443

FOOD PRODUCTION (ESTATES)

AN ACT TO MAKE PROVISION FOR THE CULTIVATION OF FOODSTUFFS BY PROPRIETORS OF ESTATES OR FOR THE PAYMENT OF MONEY IN LIEU OF SUCH CULTIVATION; FOR THE ESTABLISHMENT OF A FOOD PRODUCTION FUND; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Act No. 40 of 1954.

[*30th July, 1954.*]

Short title.

1. This Act may be cited as the Food Production (Estates) Act.

Application of Act.

2. (1) This Act shall apply to every land or group of lands which forms a separate and distinct property and of which an extent of not less than thirty-five acres is under cultivation for any purpose other than the production of foodstuffs; every such land or group of lands is hereinafter referred to as an "estate".

(2) Where any land or group of lands referred to in subsection (1) is cultivated partly with tea and partly with any other plant or plants of any description—

(*a*) the aggregate of such areas of that land or group of lands as are cultivated mainly with tea, and

(*b*) the remaining portion of that land or group of lands,

shall each be deemed, notwithstanding that it is of an extent less than that specified in subsection (1), to be a separate estate within the meaning of that subsection.

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Proprietors of estates to elect whether to cultivate foodstuffs or to pay money as provided by this Act.

3. (1) Before the end of January in each year the proprietor of every estate shall, in respect of that estate, elect and notify the Director in writing whether such proprietor will—

(*a*) cultivate during that year one or more foodstuffs in accordance with the provisions of section 5, or

(*b*) pay as provided in section 6 a sum determined in accordance with the provisions of that section.

(2) If the proprietor of an estate fails to make an election under subsection (1) in respect of that estate for any year, such proprietor shall be deemed to have elected to pay in respect of that estate for that year as provided in section 6 a sum determined in accordance with the provisions of that section.

Liability imposed in respect of estates.

4. (1) Subject to any exemption granted or deemed to be granted under this Act or under any regulation made under this Act, an election made under section 3 in respect of any estate in any year shall for that year—

(*a*) apply in relation to that estate, and

(*b*) be a liability imposed in respect of that estate, notwithstanding any change of ownership of that estate in that year subsequent to such election.

(2) The person who is for the time being the proprietor of an estate shall discharge the liability imposed in respect of that estate by subsection (1).

Cultivation of foodstuffs.

5. (1) Where the election under section 3 in respect of any estate for any year is to cultivate foodstuffs, the liability imposed by this Act in respect of that estate for that year shall be discharged by the cultivation of foodstuffs in accordance with the succeeding provisions of this section.

(2) One or more foodstuffs may be cultivated for the purposes of this Act, and any foodstuff which is to be cultivated for those purposes in any year shall be cultivated in such seasons of that year as are the seasons

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in which it is customary to cultivate that foodstuff in the region where the land to be used for the cultivation of that foodstuff is situated.

(3) The cultivation of any foodstuff for the purpose of discharging the liability imposed by this Act in respect of any estate may be either on that estate or on any other land:

Provided, however, that for such purpose—

(*a*) any area which is already under any cultivation other than permanent cultivation shall not, except with the prior approval of the Director, be cultivated with any foodstuff, and

(*b*) any area which is already under permanent cultivation shall not be cultivated with any foodstuff.

(4) Subject to any declaration made by any regulation under section 9, the area which is to be cultivated with foodstuffs for the purpose of discharging the liability imposed by this Act in respect of an estate of any description set out in column 1 of the First Schedule shall not be less than an area equal to such percentage of the total cultivated area of that estate as is specified in the corresponding entry in column 2 of that Schedule.

(5) Where the election under section 3 in respect of any estate for any year is to cultivate foodstuffs in that year, the Minister or any officer authorized in that behalf by the Minister may, by notice served on the proprietor of that estate, specify the description of foodstuffs which must be cultivated by that proprietor and the season or seasons during which such foodstuffs must be cultivated in that year; and where such notice is served on that proprietor—

(*a*) the foodstuffs cultivated by that proprietor for the purpose of discharging the liability imposed by this Act in respect of that estate for that year shall be of the description specified in the notice, and

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(*b*) such foodstuffs shall be cultivated during such season or seasons in that year as are specified in the notice.

Payment of money in lieu of cultivation of foodstuffs.

6. Where the election under subsection (1) of section 3 in respect of any estate for any year is to pay in respect of that estate for that year as provided in this section a sum determined in accordance with the provisions of this section or where the election so to pay is deemed under subsection (2) of section 3 to have been made, the liability imposed by this Act in respect of that estate for that year shall be discharged by the payment, before the end of that year, to the credit of the Food Production Fund of a sum calculated at the rate of ten rupees for each acre of the total cultivated area of that estate.

Exemption of persons participating in approved companies and undertakings.

7. (1) The Minister or any officer authorized in that behalf by the Minister may, in his discretion, by order under his hand, exempt the proprietor of any estate, either absolutely or subject to such conditions as may be specified by him in the order, from the whole or any part of the liability imposed by section 4 in respect of that estate, if the Minister or such officer is satisfied that such proprietor has, whether before or after the commencement of this Act—

(*a*) acquired in any approved company or companies shares of a value not less than an amount (hereinafter referred to as "the minimum amount") calculated at the rate of ten rupees for each acre of the total cultivated area of that estate, or

(*b*) contributed an amount not less than the minimum amount to the capital of any approved undertaking.

(2) The Minister may at any time, by order under his hand, revoke any exemption granted under subsection (1) to the proprietor of any estate, on being satisfied—

(*a*) that such proprietor has ceased to be a shareholder of any approved company or companies or to be a contributor to the capital of any approved undertaking, or

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(*b*) that the value for the time being of any shares held by such proprietor in any approved company or companies, or the amount for the time being contributed by such proprietor to the capital of any approved undertaking, is less than the minimum amount, or

(*c*) that the company, or each of the companies, of which such proprietor is a shareholder, or the undertaking to the capital of which he is a contributor, has ceased to be an approved company or undertaking, or

(*d*) that such proprietor has not complied with any of the conditions subject to which the exemption was granted.

(3) Any exemption granted under subsection (1) to the proprietor of an estate shall cease to be valid in respect of that estate, if such proprietor sells or transfers that estate to any other person. Nothing in this subsection shall be deemed to preclude the purchaser or transferee from applying for and obtaining an exemption under subsection (1).

(4) (*a*) The Minister may—

(i) by Notification published in the Gazette, declare any incorporated company, which is engaged in the production of foodstuffs in Ceylon, to be a company approved by him for the purposes of this section, and

(ii) by writing under his hand, declare any undertaking carried on by any partnership or other unincorporate body of persons for the purpose of producing foodstuffs in Ceylon, to be an undertaking approved by him for the purposes of this section.

(*b*) The approval given by the Minister to any company or undertaking may be declared by him to be subject to such conditions as he may specify, and may be withdrawn by him in the manner in which such approval was given if he is satisfied that any such condition has not been complied with by the company or undertaking.

M 41——J. N. R 7598 (4/60)

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(5) In this section, "approved company" means a company, and "approved undertaking" means an undertaking, in respect of which a declaration by the Minister under subsection (4) is for the time being in force.

Exemption of persons engaged in the production of certain articles of food.

8. (1) The Minister or any officer authorized in that behalf by the Minister may, in his discretion, by writing under his hand, exempt the proprietor of any estate, either absolutely or subject to such conditions or for such period as may be specified in such writing, from the whole or any part of the liability imposed by section 4 in respect of that estate, if the Minister or such officer is satisfied that such proprietor—

(*a*) is engaged in rearing livestock or poultry, or in the cultivation of fruit trees, or in the production of any article of food, and

(*b*) has expended, or is expending, in connexion with any of the activities mentioned in paragraph (*a*) such sum or sums of money as may be deemed by the Minister or such officer to be a sufficient discharge of the whole or any part of such liability.

(2) The Minister may at any time, by order under his hand, revoke any exemption granted under subsection (1) to the proprietor of any estate on being satisfied that such proprietor—

(*a*) has ceased to be engaged in any of the activities mentioned in paragraph (*a*) of that subsection, or

(*b*) has not complied with any of the conditions subject to which the exemption was granted.

Regulations for and conditions of exemption.

9. (1) Regulations may be made either generally with respect to all estates or specially with respect to estates of any specified class or description—

(*a*) providing for the exemption of, or authorizing the Director by order to exempt, the proprietor of any such estate from the whole or any part of the liability imposed by section 4, and

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(b) declaring or authorizing the Director by order to declare that the minimum area which shall be cultivated with foodstuffs by the proprietor of any such estate for the purpose of discharging the liability imposed by this Act in respect of that estate shall be the area specified in the regulation or order, being an area less than the minimum area specified in subsection (4) of section 5.

(2) Any regulation made under subsection (1)—

(a) may provide that the exemption referred to in paragraph (a) of that subsection shall have effect only if the proprietor of the estate fulfils the condition that such area in the estate as is declared by the Director to be suitable for the purpose shall be cultivated with paddy after being asweddumized where necessary,

(b) may impose or authorize the Director to impose such duties on the proprietor of the estate as may be necessary to secure compliance with the aforesaid condition, and

(c) may provide that any section of this Act specified in the regulation shall not apply in relation to any estate exempted by or under any such regulation or shall apply subject to the modifications so specified.

Furnishing of returns and information and production of documents.

10. (1) Every person who, on the date of the commencement of this Act, is the proprietor of an estate shall, before the expiry of thirty days after that date, furnish to the Director or to such officer as may be specified by the Director by notification published in the Gazette, a return in respect of that estate containing such particulars as the Director or such officer may require for the purposes of this Act, unless that person has before that date furnished, under the provisions of the Food Production (Estates) Order or of the Food Production (Estates) Ordinance, No. 2 of 1943,* a return containing such particulars.

*Repealed by Act No. 40 of 1954.

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(2) Every person who, on any date subsequent to the commencement of this Act, becomes the proprietor of an estate shall, before the expiry of thirty days after that date, furnish to the Director or to such officer as may be specified by the Director by notification for the time being in force under subsection (1) the proprietor's full name and address, the name, if any, and the situation and extent of that estate, and the date on which he became the proprietor of that estate.

(3) Where any change occurs in the extent of any estate after a return in respect thereof has been furnished under subsection (1), or under the Order or Ordinance referred to in that subsection, or under subsection (2), the proprietor of that estate shall, within thirty days after the date of the occurrence of the change, furnish to the Director or to such officer as may be specified by the Director by notification for the time being in force under subsection (1) a statement setting out that proprietor's full name and address, the name, if any, and the situation of that estate, the extent of that estate before the aforesaid change, and the nature and date of such change.

(4) The proprietor of every estate shall, in addition to any return required to be furnished by him under the preceding provisions of this section, furnish to the Director or to such officer as may be specified by the Director by notification for the time being in force under subsection (1) such returns and other information as the Director or such officer may from time to time require for the purposes of this Act, and produce, whenever required to do so by notice in writing by the Director or such officer, within such time as may be specified in the notice, such title deeds, survey plans, books, accounts or other documents relating to that estate and in the possession or under the control of that proprietor as may be required for the purposes of this Act.

(5) Every return under this section shall be made on such form as may be provided for the purpose by or on behalf of the Director, and shall contain a declaration signed by the person making the return to the effect that the particulars contained therein are true and accurate. Such declaration shall be free of stamp duty.

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Application for exemption.

11. (1) Every application for exemption from the whole or any part of the liability imposed by section 4 in respect of any estate shall be delivered or transmitted to the Director on such form as may be provided for the purpose by or on behalf of him, and shall contain all such particulars as may be required to be set out on such form.

(2) Every application referred to in subsection (1) shall contain a declaration signed by the person making the application to the effect that the particulars contained therein are true and accurate. Such declaration shall be free of stamp duty.

Payment on failure to discharge liability to cultivate foodstuffs.

12. If the proprietor of an estate who, in respect of that estate, is liable under this Act to cultivate foodstuffs, fails to discharge such liability in respect of any year or of any season in any year, he shall, before the end of that year or of that season, as the case may be, pay to the credit of the Food Production Fund a sum calculated at such of the following rates as is appropriate to the case:—

(*a*) where the liability which is not discharged is in respect of any year, then—

(i) if such liability is in regard to the entire estate, the rate shall be ten rupees for each acre of the total cultivated area of the estate, and

(ii) if such liability is in regard to a portion of the estate, the rate shall be ten rupees for each acre of the total cultivated area of such portion of the estate;

(*b*) where the liability which is not discharged is in respect of any season of any year, then—

(i) if such liability is in regard to the entire estate, the rate shall be five rupees for each acre of the total cultivated area of the estate, and

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(ii) if such liability is in regard to a portion of the estate, the rate shall be five rupees for each acre of the total cultivated area of such portion of the estate.

Manner of making payments.

13. (1) Every sum which a proprietor of an estate is liable under this Act to pay to the credit of the Food Production Fund shall be paid at a kachcheri.

(2) The proprietor of an estate who makes any payment to the credit of the Food Production Fund shall forthwith transmit to the Director the receipt issued to him at the kachcheri in respect of that payment.

The Food Production Fund.

14. There shall be established a fund called the Food Production Fund for the following purposes :—

(*a*) promoting food production on Government farms ;

(*b*) making loans or grants to persons who have settled on lands leased, or otherwise alienated, by the Government ;

(*c*) making loans or grants to persons engaged in the rearing of livestock or poultry or in the maintenance of dairies ;

(*d*) making loans or grants to cultivators for asweddumizing private lands and raising crops thereon ;

(*e*) purchasing manure or seeds for distribution on loan or otherwise ;

(*f*) purchasing tractors and other agricultural implements for hiring them out to cultivators, and the employment of the necessary staff to work the tractors ;

(*g*) organizing and maintaining the distribution of milk ;

(*h*) promoting Government agricultural and livestock exhibitions, and organizing Government propaganda for fostering food production.

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Payments into and out of the Food Production Fund.

15. (1) There shall be paid into the Food Production Fund—

(*a*) all sums payable by the proprietors of estates under section 6, section 12, or section 21 (2),

(*b*) all sums which may from time to time be payable by way of principal or interest on loans granted out of such fund,

(*c*) all income derived either from the hiring out of tractors and other agricultural implements purchased with moneys of such fund or from any such business of distributing milk as may be financed by such fund, and

(*d*) all sums which, on the day immediately preceding the date of the commencement of this Act, were lying to the credit of or were payable to the Food Production Fund established under the Food Production (Estates) Ordinance, No. 2 of 1943. *

(2) There shall be paid out of the Food Production Fund—

(*a*) such sums as the Minister may determine with the approval of the Minister of Finance for application to any of the purposes mentioned in section 14, and

(*b*) any expenses connected with the administration of this Act.

Administration of the Food Production Fund.

16. Subject to the direction and control of the Minister, the Food Production Fund shall be administered by the Director in accordance with the provisions of this Act.

Power of inspection.

17. Any officer acting under the authority of the Minister or the Director may from time to time enter and inspect any estate and carry out such investigations

* Repealed by Act No. 40 of 1954.

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as he may deem necessary by reference to books, accounts, records or other documents maintained in such estate, for the purpose of—

(*a*) ascertaining whether compliance with the provisions of section 5 is being made in that estate, or

(*b*) verifying whether any of the activities referred to in paragraph (*a*) of subsection (1) of section 8 is being carried on, or whether any expenditure has been incurred in that behalf, in that estate ;

and the person in charge of that estate shall permit and assist such officer to enter and inspect that estate and carry out such investigations for such purpose.

Offences.

18. Any person—

(*a*) who fails to make an election under section 3, or

(*b*) who fails to furnish any return, statement or other information, or to produce any document, required to be furnished or produced by him under section 10, or

(*c*) who does not permit any officer, authorized in that behalf by the Minister or Director under section 17, to enter, or inspect, or carry out any investigations in, any estate under his charge, or

(*d*) who fails to discharge the liability imposed on him by subsection (2) of section 21,

shall be guilty of an offence, and shall on conviction after summary trial before a Magistrate be liable to pay a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

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Recovery of sums payable under this Act.

19. If the proprietor of an estate makes default in the payment of any sum which he is liable under this Act to pay to the credit of the Food Production Fund, such sum may be recovered in like manner as though it were a debt due from him to the Crown.

Regulations.

20. (1) The Minister may make all such regulations as may appear to him to be necessary or expedient for carrying out and giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in regard to all matters in respect of which regulations are required or authorized by this Act to be made.

(3) No regulation made under this Act shall have effect unless it has been approved by the Senate and the House of Representatives and notice of such approval has been published in the Gazette.

Savings and transitional provisions.

21. (1) All exemptions granted under the provisions of the Food Production (Estates) Order and the Food Production (Estates) Ordinance, No. 2 of 1943,* and in force on the day immediately preceding the 30th day of July, 1954, shall be deemed to be exemptions granted under the corresponding provisions of this Act and all the provisions of this Act relating to the revocation of exemptions shall accordingly apply to such exemptions.

(2) Where the liability imposed in respect of any estate by the Food Production (Estates) Ordinance, No. 2 of 1943, * has not, before the 30th day of July, 1954, been discharged for any such part of the year 1954 as is subsequent to the 30th day of July, 1954, then—

(*a*) it shall be a liability imposed in respect of that estate for that part of that year—

(i) to cultivate one or more foodstuffs in accordance with the provisions of the aforesaid Ordinance, or

* Repealed by Act No. 40 of 1954.

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(ii) to pay, for each month in that part of that year, a sum calculated at the rate of eighty-four cents for each acre of the total cultivated area of that estate,

subject to any exemption granted or deemed to be granted under this Act or under any regulation made under this Act in respect of that estate, and

(*b*) the person who is for the time being the proprietor of that estate shall discharge the liability imposed in respect of that estate by this subsection.

Such provisions of the aforesaid Ordinance as relate to the cultivation of foodstuffs shall apply in relation to the cultivation of foodstuffs referred to in sub-paragraph (i) of paragraph (*a*) of this subsection in like manner as though those provisions were not repealed by Act No. 40 of 1954.

Interpretation.

22. (1) In this Act, unless the context otherwise requires—

"cultivated area"—

(*a*) when used with reference to any estate other than an estate which is cultivated mainly with coconut, means the area which is actually cultivated, and

(*b*) when used with reference to an estate which is mainly cultivated with coconut, means the area which is actually cultivated excluding any area planted or replanted with coconut on or after the 1st day of January, 1954, such latter area being excluded until the trees thereon come into bearing and the extent of such area being computed on the basis of seventy trees for an acre ;

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"Director" means the Director of Food Production ;

"foodstuff" means any article of food specified in the Second Schedule and includes any other article of food which may be approved by the Director for the purposes of this Act ;

"Food Production (Estates) Order" means the Food Production (Estates) Order, 1942, published in Gazette Extraordinary No. 8,857 of 2nd February, 1942 ;

"Food Production Fund" means the Food Production Fund established under this Act ; and

"proprietor" means the owner, lessee, usufructuary mortgagee, or other person lawfully in possession and taking the produce of an estate, and includes—

(*a*) where such proprietor is a company, the manager or superintendent of the estate, and

(*b*) where such proprietor is absent from Ceylon, the duly accredited agent of such proprietor.

(2) For the purposes of this Act, an estate or an area of land shall be deemed to be under permanent cultivation if such estate or area, as the case may be, is planted mainly with tea, rubber, coconut, cocoa, cinnamon, cardamom or citronella or with any such other plant as may be specified in that behalf by the Minister by Notification published in the Gazette.

(3) For the purposes of any calculation made under this Act by reference to an acre or a month, a fraction which is less than, or which is over and above, an acre or a month shall be deemed to be an acre or a month as the case may be.

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[Section 5.]

FIRST SCHEDULE

Column 1	*Column 2*
Estate under permanent cultivation which is tea or mainly tea.	12 *per centum* of the total cultivated area of the estate.
Estate under permanent cultivation other than tea.	6 *per centum* of the total cultivated area of the estate.
Estate under cultivation other than permanent cultivation.	6 *per centum* of the total cultivated area of the estate.

[Section 22.]

SECOND SCHEDULE

Grains	Legumes and Pulses	Yams	Fruits	Green Vegetables	Miscellaneous
Amu Elvi Kambu Kurakkan	Bean Cowpea Dhall Green Gram	Arrowroot Cassava Manioc Potato Sweet Potato	Melon Papaw (when cultivated for any purpose other than the production of papain)	Cabbages Jerusalem Artichokes Garden-Vegetables	Sugar Cane Chillie Onion Gingelly
Maize Meneri Paddy	HorseGram Soya Bean Sword Bean Lab Lab Bean Other Edible Beans Groundnuts	Other Edible Yams	Pineapple Plantain Pumpkin Tomato		

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CHAPTER 444

PADDY LANDS

AN ACT TO REGULATE THE LETTING OF PADDY LANDS IN ORDER TO ENSURE GREATER SECURITY OF TENURE TO THE TENANTS OF SUCH LANDS ; TO RESTRICT THE RENT RECOVERABLE FROM SUCH TENANTS ; TO EMPOWER THE PROPER AUTHORITY TO TAKE POSSESSION AND CAUSE THE CULTIVATION OF ANY SUCH LANDS WHICH ARE NOT CULTIVATED ; AND TO PROVIDE FOR MATTERS INCIDENTAL TO OR CONNECTED WITH THE MATTERS AFORESAID.

Acts Nos. 1 of 1953, 22 of 1955.

[*13th February, 1953.*]

1. This Act may be cited as the Paddy Lands Act. Short title.

2. (1) This Act shall apply to and in relation to all paddy lands situated in any such area as may be declared by Order of the Minister to be an area in which this Act shall be in operation : Application of Act.

Provided however that the Minister may, by the same or a subsequent Order, exempt any specified paddy land, or paddy lands of any specified class or description, from all or any of the provisions of this Act.

(2) Every Order made under subsection (1) shall be published in the Gazette and shall come into force on the date on which it is so published or on such later date as may be specified in the Order.

3. In this Act, the expression "controlled paddy land" means a paddy land or any undivided share thereof situated in an area in which this Act is in operation, other than a paddy land exempted as herein before provided from all the provisions of this Act. Controlled paddy lands.

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Leases, and changes in ownership, of controlled paddy lands.

4. (1) No person shall let a controlled paddy land for a period less than five years, and no tenancy of a controlled paddy land for a period less than five years shall be valid :

Provided however that, where on the day immediately preceding the date on which this Act becomes applicable to a paddy land there is in respect of that land a valid tenancy which but for the preceding provisions of this subsection would continue to be valid for any period after that day, such provisions shall not apply to that tenancy during a period of three hundred and sixty days commencing on that date.

(2) A lease of a controlled paddy land for a period not less than five years may be created by a writing—

(*a*) signed by the lessor, and the lessee or by some persons lawfully authorized in writing by them, in the presence of two witnesses present at the same time,

(*b*) attested by such witnesses, and

(*c*) stating—

(i) the name and address of the lessor and the capacity in which he effects the lease,

(ii) the name and address of the lessee,

(iii) the name, extent, situation, and boundaries of such land and the names of the co-owners if any,

(iv) the date of commencement and the date of termination of the lease,

(v) whether the tenancy is an *ande* tenancy or not,

(vi) whether the authorized rent of such land is to be paid in paddy or in money,

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(vii) the intervals at which such rent is to be paid, and

(viii) the date of execution of the lease.

The provisions of section 2 of the Prevention of Frauds Ordinance shall not apply to a lease created in accordance with this subsection.

(3) A writing whereby a lease of a controlled paddy land for a period not less than five years is created in accordance with the provisions of subsection (2) shall, if the particulars which are required by that subsection to be set out in such writing are registered as hereinafter provided in the register of controlled paddy lands of the administrative district in which the paddy land is situated, be deemed for the purposes of section 7 of the Registration of Documents Ordinance to be an instrument duly registered under that Ordinance and affecting the land described in such writing.

(4) Where a lease of a controlled paddy land for a period not less than five years is executed, the lessor shall forthwith in writing notify the lease to the proper authority of the administrative district in which that land is situated, stating the particulars of the matters specified in paragraph (*c*) of subsection (2); and if such lease is cancelled, the lessor and the lessee shall forthwith in writing notify the cancellation to such proper authority, stating the date on which the cancellation takes effect.

(5) Where a change occurs in the ownership of a controlled paddy land, the new owner shall, within thirty days of such change, give written notice thereof to the proper authority of the administrative district in which that land is situated.

Authorized rent of controlled paddy lands

5. (1) For the purposes of this Act the authorized rent per annum of a controlled paddy land shall be—

(*a*) such quantity of paddy obtained from that land as represents the prescribed landlord's share of paddy, or

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(b) where the lease requires the rent to be paid in money, the monetary value of that quantity of paddy calculated at the prescribed rates of valuation of paddy ;

and the authorized rent of that land for any portion of a year shall be proportionately determined.

(2) Regulations made for the purposes of this section may prescribe for different areas—

(a) different percentages or quantities of paddy as the landlord's share of paddy, and

(b) different rates of valuation of paddy.

Prohibition of rent exceeding authorized rent.

6. No person shall demand, receive or recover as the rent of a controlled paddy land an amount exceeding the authorized rent of that land:

Provided however that, where on the day immediately preceding the date on which this Act becomes applicable to a paddy land there is in respect of that land a valid tenancy which but for the preceding provisions of this section would continue to be valid for any period after that day, such provisions shall not, during a period of three hundred and sixty days commencing on that date, apply in relation to the rent chargeable under that tenancy.

Prohibition of any payment in addition to rent.

7. No person shall, as a condition of the grant, renewal or continuance of the tenancy of a controlled paddy land, demand or receive, in addition to the rent of that land, any premium, commission, gratuity or other like payment or pecuniary consideration.

Returns.

8. (1) In each year, on or before the prescribed date, the owner or lessee of every controlled paddy land shall furnish a return, in respect of that land, in the prescribed form and containing particulars of the prescribed matters, to the proper authority of the administrative district in which that land is situated.

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(2) Where a land, which is not a paddy land and which is situated in an area in which this Act is in operation, is converted into a paddy land, the owner or lessee thereof shall, within two weeks before the first sowing of paddy thereon, furnish a return, in respect of that land, in the prescribed form and containing particulars of the prescribed matters, to the proper authority of the administrative district in which that land is situated.

(3) The proper authority of an administrative district may, by written notice, require the owner or lessee of a controlled paddy land in that district to furnish to him, within such time as may be specified in the notice, particulars of such matters relating to that land as may be so specified.

(4) Where a notice under subsection (3) is sent to the owner or lessee of a controlled paddy land, he shall comply with that notice within the time specified therein.

Registers of controlled paddy lands.

9. The proper authority of an administrative district in which there are controlled paddy lands shall keep and maintain a register of those lands in the prescribed form. He shall cause to be entered in such register particulars of such matters relating to those lands as may be prescribed and such particulars as may be notified to him under section 4.

Restriction on actions for ejectment of tenants of controlled paddy lands.

10. (1) Notwithstanding anything in any other law, no action or proceedings for the ejectment of the tenant of a controlled paddy land shall be instituted in or entertained by any court, unless the proper authority of the administrative district in which that land is situated has, on the application of the landlord of that tenant, sanctioned in writing the institution of such action or proceedings.

(2) Before the proper authority grants or refuses sanction for the institution of any action or proceedings for the ejectment of the tenant of a controlled paddy land, the proper authority, or any officer authorized in that behalf by the proper authority,

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shall hold an inquiry into the question why the landlord of that tenant desires to eject him from that land and shall allow the landlord and the tenant to adduce such evidence at the inquiry as the proper authority or the officer so authorized considers relevant.

(3) Where an inquiry relating to the tenancy of a controlled paddy land is held under subsection (2), the proper authority of the administrative district in which that land is situated may invite any two members of the district agricultural committee, constituted for that administrative district, to be present and assist him, or the officer authorized by him to conduct the inquiry, in his or that officer's deliberations at the inquiry.

(4) The proper authority shall sanction the institution of any action or proceedings for the ejectment of the tenant of a controlled paddy land if he is satisfied that—

(*a*) the rent in respect of that land has been in arrear for one month after it has become due, or

(*b*) where the tenancy of that land is an *ande* tenancy, the tenant has, for the purpose of determining the authorized rent of that land in respect of any period, fraudulently declared as the crop from that land a quantity of paddy which is less than the actual quantity of paddy obtained from that crop, or

(*c*) the tenant has given notice to quit, or

(*d*) the condition of that land has deteriorated owing to acts committed by, or owing to the neglect or default of, the tenant.

Time of commencement of cultivation in each season.

11. (1) The proper authority of any administrative district in which controlled paddy lands are situated may specify, in respect of each season, a date on or before which operations for the cultivation of such lands shall commence. Different dates may be specified for such lands situated in different parts of such district.

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(2) The proper authority of any administrative district shall cause notice of every date specified by him under subsection (1) to be given, in such manner as he may deem adequate, throughout that district or any part thereof to which such date applies.

(3) The proper authority of any administrative district may at any time, if it appears to him expedient so to do, by notice given in the manner provided in subsection (2), cancel any notice previously given by him under that subsection and specify a later date on or before which operations for the cultivation of controlled paddy lands situated in that district or any part thereof shall commence.

Proper authority's power to take possession of controlled paddy lands.

12. (1) Where the proper authority of any administrative district is satisfied that operations for the cultivation of any controlled paddy land situated in that district have not commenced in any season on or before the date specified under section 11, he may take possession of that land and adopt such measures, and use such force, as he may deem necessary for the purpose of taking such possession.

(2) In any case in which the proper authority is empowered by subsection (1) to take possession of any controlled paddy land, he may, before taking possession of that land, call upon the owner of that land and, where there is a lessee of that land, such lessee to show cause why the proper authority should not take possession of that land, and, where such owner or lessee shows cause which appears to the proper authority to be adequate, the proper authority may refrain from taking possession of that land if such owner or lessee enters into a written undertaking to the satisfaction of the proper authority to comply with such terms and conditions as the proper authority may think it necessary to impose in order to secure the proper and regular cultivation of that land with paddy.

(3) Where the proper authority is satisfied that there has been a breach of any undertaking entered into by the owner or lessee of a controlled paddy land

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under subsection (2), the proper authority may, without prejudice to any other right conferred on him by the undertaking, take possession of that land and adopt such measures, and use such force, as he may deem necessary for the purpose of taking such possession.

Restoration of possession.

13. (1) Where the proper authority has taken possession of any controlled paddy land under section 12, he may at any time restore possession of that land to its owner or lessee if he is satisfied that the owner or lessee will cause that land to be properly and regularly cultivated with paddy.

(2) The restoration of possession of a controlled paddy land to its owner or lessee under subsection (1) shall not affect or prejudice the power of the proper authority to take possession of that land under section 12.

Proper authority's duties in respect of controlled paddy lands taken over by him.

14. (1) Where the proper authority has taken possession of any controlled paddy land under section 12, he shall—

(*a*) issue to the owner or lessee of that land a certificate in writing under his hand that he has taken possession of that land for the purpose of causing it to be cultivated with paddy ;

(*b*) cause that land to be cultivated with paddy by such person or persons as he may deem fit, during such number of seasons as he may in his discretion determine, and

(*c*) during the continuance of such possession, pay the authorized rent of that land to its owner or lessee.

(2) The proper authority shall cancel the certificate issued under subsection (1) in respect of any controlled paddy land if possession of that land is restored to its owner or lessee under section 13.

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Notices.

15. A notice under this Act shall be deemed to have been sent to any person if it had been transmitted through the post by registered letter addressed to him at his last known place of abode.

Regulations.

16. (1) The Minister may make regulations for giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all matters stated or required to be prescribed.

(3) No regulation made by the Minister shall have effect until it has received the approval of the Senate and the House of Representatives and until notification of such approval has been published in the Gazette.

Offences.

17. Every person who contravenes or fails to comply with any of the provisions of this Act or of the regulations made under this Act shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, and, in default of payment of a fine, to imprisonment of either description for a term not exceeding one month.

Prosecutions.

18. A prosecution for an offence under this Act may be instituted by the proper authority or an officer authorized in that behalf by the proper authority.

General directions of the Director of Food Production.

19. The proper authorities shall, in the exercise of their powers and the discharge of their duties under this Act, be subject to the general directions of the Director of Food Production.

Interpretation.

20. (1) In this Act, unless the context otherwise requires—

"district agricultural committee" means a district agricultural committee constituted under the Irrigation Ordinance ;

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"let" includes "sublet", and its grammatical variations shall be construed accordingly ;

"paddy land" means land prepared for the cultivation of paddy, but does not include chena land or land not provided with earth bunds to impound water ;

"prescribed" means prescribed by regulation made under this Act ;

"proper authority", with reference to any administrative district, means the Government Agent, an Additional Government Agent, an Assistant Government Agent, or an Additional Assistant Government Agent of such district, or any prescribed officer ; and

"*ande* tenancy" means the tenancy of a paddy land under which the tenant undertakes to give as rent a share of the paddy crops of that land to the person who let that land.

(2) Where the owner or lessee of a controlled paddy land and a cultivator of that land who has no right of ownership or leasehold in respect thereof are each entitled to a share of the paddy crops of that land, such cultivator shall, for the purposes of this Act, be deemed to be the tenant of that owner or lessee under an *ande* tenancy in respect of that land and not a worker hired by that owner or lessee to cultivate that land.

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CHAPTER 445

FERTILIZERS

AN ORDINANCE TO REGULATE THE SALE OF FERTILIZERS OF THE SOIL AND TO PROVIDE AGAINST THE ADULTERATION THEREOF.

Ordinance No. 12 of 1901.

[*1st January, 1902.*]

Short title.

1. This Ordinance may be cited as the Fertilizers Ordinance.

Interpretation.

2. For the purposes of this Ordinance, the expressions "soluble" and "insoluble" shall respectively mean soluble and insoluble in water or citrate of ammonium.

Warranty on sale of fertilizer.

3. (1) Every person who sells for use as a fertilizer of the soil any article manufactured or prepared in Ceylon or imported from abroad shall give to the purchaser an invoice stating the name of the article and whether it is an artificially compounded article or not, and what is at least the percentage of the nitrogen, soluble and insoluble phosphates, and potash, if any, contained in the article, and this invoice shall have effect as a warranty by the seller of the statements contained therein.

(2) For the purposes of this section an article shall be deemed to be manufactured if it has been subjected to any artificial process.

(3) This section shall not apply to a sale where the whole amount sold at the same time weighs less than one hundredweight.

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Penalty for breach of duty by seller.

4. (1) If any person who sells any article for use as a fertilizer of the soil commits any of the following offences, namely :—

(*a*) fails without reasonable excuse to give, on or before or as soon as possible after the delivery of the article, the invoice required by this Ordinance ; or

(*b*) causes or permits any invoice or description of the article sold by him to be false in any material particular to the prejudice of the purchaser,

he shall, without prejudice to any civil liability, be liable on conviction for a first offence to a fine not exceeding one hundred rupees, and for any subsequent offence to a fine not exceeding five hundred rupees.

(2) In any proceeding for an offence under this section it shall be no defence to allege that the buyer, having only bought for analysis, was not prejudiced by the sale.

(3) Any person alleged to have committed an offence under this section in respect of an article sold by him shall be entitled to the same rights and remedies, civil or criminal, against the person from whom he bought the article as are available to the person who bought the article from him, and any damages recovered by him may, if the circumstances justify it, include the amount of any fine and costs paid by him on conviction under this section, and the costs of and incidental to his defence on such conviction.

Power to appoint analyst.

5. The Minister[1] shall appoint one or more agricultural analysts for Ceylon, who shall, while holding the office of agricultural analyst, not engage in any trade, manufacture, or business connected with the sale or importation of articles used for fertilizing the soil. Should more than one agricultural analyst be appointed, one of them shall be appointed chief agricultural analyst.

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Power for purchaser to have fertilizer analysed.

6. (1) Every buyer of an article used for fertilizing the soil shall, on payment to an agricultural analyst of a fee sanctioned by the Minister with the concurrence of the Minister of Finance,[1] be entitled within ten days after delivery of the article to the buyer, or receipt of the invoice by the buyer, whichever is later, to have the article analysed by the analyst, and to receive from him a certificate of the result of his analysis.

(2) Where a buyer of an article desires to have the article analysed in pursuance of this section, he shall, in accordance with regulations made by the Minister,[1] take three samples of the article, and shall, in accordance with the said regulations, cause each sample to be marked, sealed, and fastened up, and shall deliver or send by post one sample with the invoice or copy thereof to an agricultural analyst, and shall give another sample to the seller, and shall retain the third sample for future comparison :

Provided that an agricultural analyst, or some person authorized by him in that behalf with the approval of the Minister shall, on request either by the buyer or the seller, and on payment of a fee sanctioned by the Minister with the concurrence of the Minister of Finance,[1] take the samples on behalf of the buyer.

(3) The certificate of the agricultural analyst shall be in such form and contain such particulars as are directed in the Schedule and every agricultural analyst shall carefully enter in a register to be kept for that purpose the result of any analysis made by him in pursuance of this Ordinance.

(4) If the seller or the buyer objects to the certificate of the agricultural analyst not being the chief agricultural analyst, one of the samples selected, or another sample selected in like manner, may, at the request of the seller, or, as the case may be, the buyer, be submitted with the invoice or a copy thereof to the chief agricultural analyst, and the seller, or, as the case may be, the buyer, shall, on payment of a fee sanctioned by the Minister with the concurrence of the Minister of Finance,[1] be entitled to have the sample

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analysed by the chief agricultural analyst, and to receive from him a certificate of the result of his analysis.

(5) At the hearing of any civil or criminal proceeding with respect to any article analysed in pursuance of this section, the production of a certificate of an agricultural analyst shall be sufficient evidence of the facts therein stated, unless the defendant or the person charged requires that the analyst be called as a witness.

(6) The cost of and incidental to the obtaining of any analysis in pursuance of this section shall be borne by the seller or the buyer in accordance with the results of the analysis, and shall be recoverable as a simple contract debt.

Penalty for tampering.

7. If any person knowingly and fraudulently—

(*a*) tampers with any parcel of fertilizer so as to procure that any sample of it taken in pursuance of this Ordinance does not correctly represent the contents of the parcel; or

(*b*) tampers with any sample taken under this Ordinance,

he shall be liable on conviction to a fine not exceeding five hundred rupees, or to imprisonment, simple or rigorous, for a term not exceeding six months.

Prosecutions and appeals.

8. (1) Notwithstanding anything to the contrary in any enactment contained, the Magistrate's Court within whose jurisdiction any offence against this Ordinance is committed shall be empowered to hear, try, and determine the prosecution for such offence, and to award the punishment prescribed by this Ordinance.

(2) Any person aggrieved by a conviction under this Ordinance may appeal to the Supreme Court.

Regulations.

9. (1) The Minister[1] may, from time to time make regulations for the taking of samples and for the marking, sealing, and fastening up of the same, and such regulations he may revoke, amend, or alter.

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(2) All regulations when so made, revoked, amended, or altered shall be published in two successive issues of the Gazette in the English language, and shall be laid before the Senate and the House of Representatives if Parliament is then in session,[1] and if not then in session, then so soon as possible after the commencement of the next ensuing session, and if within forty days after their being so laid before the Senate and the House of Representatives[1] any of such regulations be objected to by the Senate or the House of Representatives[1] the Senate or the House of Representatives[1] may by resolution amend or annul any such regulations. All regulations so amended and such regulations as shall not be amended or annulled by the Senate or the House of Representatives[1] shall be proclaimed in two successive issues of the Gazette in the English language, and shall come into force upon such proclamation in the Gazette, and shall thereupon be as legal, valid, effectual, and binding as if the same had been inserted in this Ordinance.

10. This Ordinance shall apply to wholesale as well as retail sales. Application.

SCHEDULE

FORM OF CERTIFICATE [Section 6 (3).]

I certify that I have analysed the sample or samples of (*here insert the name of the article*) ———— delivered to me (*or* sent by post) by ————, or taken by ———— on behalf of the buyer ————, and that they contain ———— *per centum* of nitrogen, ———— *per centum* of soluble phosphates, ———— *per centum* of insoluble phosphates, and ———— *per centum* of potash.

(*Signed*) ————,
Agricultural Analyst.

Place and date :————.

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CHAPTER 446

BOTANIC GARDENS

Ordinance No. 31 of 1928.

AN ORDINANCE TO PROVIDE FOR THE MANAGEMENT, ADMINISTRATION AND CONTROL OF BOTANIC GARDENS.

[*16th November, 1928.*]

Short title.

1. This Ordinance may be cited as the Botanic Gardens Ordinance.

Interpretation.

2. (1) In this Ordinance, unless the context otherwise requires—

"botanic garden" includes the Royal Botanic Gardens at Peradeniya, the Botanic Gardens at Hakgala, and the Botanic Gardens at Heneratgoda (Gampaha), the boundaries of which are set out in the First Schedule, and any additions which may from time to time be made to any such gardens, and notified in the Gazette ;

"curator" means the officer for the time being in charge of any botanic garden and includes an assistant curator ;

"Director of Agriculture" means the officer for the time being in charge of the Department of Agriculture created by the Department of Agriculture Ordinance ;

"watcher" means any uniformed person appointed to guard and watch over any botanic garden.

(2) The Minister[1] may also by notification in the Gazette declare any area or garden other than the gardens mentioned in subsection (1) which has been, or shall at any time hereafter be, acquired or appropriated by the Government for any experimental

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cultivation or for the cultivation of any vegetable product under the direction of the Director of Agriculture, to be a botanic garden for the purpose of this Ordinance, and may specify the boundaries thereof.

Regulations.

3. (1) It shall be lawful for the Minister[1] by notification in the Gazette to make regulations for any or all of the following purposes :—

(*a*) for the management, administration, and control of any botanic garden ;

(*b*) for fixing the hours of opening and closing any botanic garden and the hours at or during which the public shall be prohibited access thereto ;

(*c*) for regulating the conduct of persons employed in any botanic garden or resorting thereto ;

(*d*) for prohibiting, restricting, and regulating the use of any botanic garden by animals, motor-cars, carts, carriages, jinrickshas, and bicycles ;

(*e*) for declaring what portion or portions of any botanic garden shall be deemed to be a private ground attached to residences therein or required for nurseries or other administrative purposes and not accessible to the public except by the special permission of the curator duly authorized by the Director of Agriculture in that behalf ; and

(*f*) for prohibiting and preventing interference with, or damage to, or destruction of, trees, plants, shrubs, fruits, gates, fences, or other things within or about any botanic garden.

(2) The regulations in the Second Schedule shall be deemed to have been made under this Ordinance, and may be amended, altered, or rescinded by regulations made under this Ordinance.

(3) All regulations made under this Ordinance shall be laid, as soon as conveniently may be, on the table of the Senate and the House of Representatives[1] at two

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successive meetings of the Senate and the House of Representatives,[1] and shall be brought before the Senate and the House of Representatives[1] at the next subsequent meeting held thereafter by a motion that the said regulations shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said regulations are disapproved by the Senate or the House of Representatives,[1] such regulations shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder ; and such regulations, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette.

(4) Copies of all regulations made or deemed to be made under this Ordinance, printed in English, Sinhalese, and Tamil, shall be kept posted at the main entrance of the botanic garden to which they apply, and in such other places in the garden as may be deemed necessary by the Director of Agriculture.

Penalty and powers of arrest.

4. (1) Every person who contravenes any of the provisions of this Ordinance or of the regulations made or deemed to be made thereunder shall be guilty of an offence and shall upon summary conviction by a Magistrate be liable to a fine not exceeding fifty rupees.

(2) Every person who is accused, in the presence of a curator or watcher, of committing a breach of any of the regulations made or deemed to be made under this Ordinance shall on demand give his name and address to such curator or watcher.

(3) Every such person who refuses so to give his name and address, may be arrested by such curator or watcher in order that his name and address may be ascertained, and shall within twenty-four hours of his arrest, exclusive of the time necessary for the journey, be taken before the nearest Magistrate, unless in the meantime his name and address have been given by him, in which case such person shall be forthwith released on his executing a bond for his appearance before a Magistrate if so required.

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Curators and watchers.

5. Every curator or watcher shall, while performing any duty or exercising any power under this Ordinance or any regulation made or deemed to be made thereunder, be deemed to be a public servant within the meaning of the Penal Code.

Procedure.

6. Any information or complaint charging an offence under this Ordinance may be given or made by a curator or by any other person generally or specially authorized thereto by the Director of Agriculture.

FIRST SCHEDULE

[Section 2 (1).]

I.—ROYAL BOTANIC GARDENS, PERADENIYA

(*a*) Boundaries of lots 1 to 6 and 8 in preliminary plan No. 7,604.

North by Medegehena claimed by L. Naidu, Gavaramadittahena claimed by D. Setuwa, Gallanakandahena claimed by G. P. Dingiri, Gallanakandahena claimed by I. Bodiya, Gallanakandahena claimed by W. Menika, Medagoda-arama claimed by I. Menika, Yamankamawatta claimed by A. Setuwa, Yamanahena claimed by Y. G. Pussemba, and Gallanakandahena claimed by P. D. Naina ;

East by Gallanakandahena claimed by P. D. Hawadia, Gallanakandahena claimed by Pallegama temple, Gallanakandahena claimed by H. G. Ukkuwa, Gallanakandahena claimed by P. M. Ukkuwa, Tittapathgeliawatta claimed by W. Bodiya and others, Tittapathgeliawatta claimed by W. Dingiriya, Kapuhena claimed by P. M. Horathala, Kapuhena claimed by P. M. Puncha, Kapuhena claimed by A. Puncha, Kapuhena claimed by K. Dingiriya, a masonry well and the Mahaweli-ganga ;

South by the Mahaweli-ganga, a stream, and the road from Colombo to Kandy ; and

West by the Mahaweli-ganga, title plan No. 90,751, the road from Colombo to Gampola, Naradeniyewatta claimed by F. Appuhami, Kotikahambehena claimed by the Honourable Mr. Abdul Rahim, Gurudiahettahena *alias* Kenghindawatta claimed by V. M. David, Gurudiahettahena claimed by P. Hawadia and Hendrick Appu Bass, Gurudiahettakumbura claimed by D. J. Appuhamy, Nawakrewe estate claimed by D. J. Appuhamy, Gorakadeniyawattehena claimed by P. Philip, Gorakadeniyawatta claimed by Kalaheinia, lots 1 and 2 in preliminary plan No. 6,966, Rotupehilla-ela, a footpath, a Gansabhawa road, Gama-ela, Gangabaddakumbura claimed by T. Appuhami, Gangabaddakumbura claimed by Gannoruwa temple, Paraliyaddekumbura claimed by P. Pinhami, Paraliyaddakumbura claimed by A. M. Appuhami, Hirithalagollakumbura claimed by G. W. Banda, title plan No. 63,693, Hirithalogollawatta claimed by A. Ranmenika, Hirithalgolla

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claimed by A. Bandara Menika and others, Upasakagederawatta *alias* Deniyawatta claimed by R. M. Mudalihami, Gallanahena *alias* Kandewatta claimed by A. Mudiyanse and others, title plans Nos. 89,267 and 89,270, Mansamadehena claimed by V. A. Arnolis and others, and Mudunehena claimed by M. Naidu and others.

(*b*) Boundaries of lot 7 in preliminary plan No. 7,604.

North by a Gansabhawa path ;

East by lots 4 and 2 in preliminary plan No. 6,966 ;

South by lots 2 and 1 in preliminary plan No. 6,966 ; and

West by Gorakadeniyawatta claimed by Kaluheinia, Udugammahawatta claimed by W. S. Pussemba and others, Udugammahawatta claimed by W. S. Dingiri and Udugammahawatta claimed by W. S. Dingiri on title plan No. 59,775.

II.—BOTANIC GARDENS, HAKGALA

Boundaries

North by reservation along the road from Nuwara-Eliya to Badulla ;

East by reservation along the road from Nuwara-Eliya to Badulla, title plans Nos. 57,823 and 62,276, Bambaragahabokkakandura, Crown land, reservations along Alakolagalakandura, Alakolagalakandura and title plans Nos. 142,796 and 76,118 ;

South by Crown land ; and

West by Crown land and title plan No. 110,456, containing in extent 558 acres and 17 perches, called Hakgala Gardens and Hakgala patana, situated in Radakanduruwela village in Udapalata korale of Udukinda division in the District of Badulla, Province of Uva ; and Endiribedda, Gorandihela, and Sita Eliya villages in Udapane korale of Kotmale division in the District of Nuwara Eliya, Central Province, and more particularly described as lots 7,460 to 7,465 and 7,467 to 7,492 in preliminary plan No. 2,312 and lots 14,764 and 14,765 in preliminary plan No. 5,586.

III.—BOTANIC GARDENS, HENERATGODA (GAMPAHA)

Boundaries

North by Madita-ela ;

East by Tittawelmadittepillewa claimed by H. Peter Appu and others, Tittawelmadittepillewa claimed by H. J. Perera, Delgahawatta claimed by H. John Singho (title plan No. 60,518) and title plans Nos. 118,340, 118,341, and 118,342, and Delgahawatta claimed by H. Dickman ;

South by Malwatte-oya ; and

West by a village path, Munamalgahawatta claimed by K. G. Fernando, Munamalgahawatta claimed by R. Abaran Appu, Hicgahawatta claimed by A. D. Moisa, Hicgahawatta claimed by V. Sarochchia, Hicgahawatta claimed by Rampatidevage Avanis, and Elabodalanda claimed by G. S. Fernando and others.

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SECOND SCHEDULE

REGULATIONS

[Section 3 (2).]

ROYAL BOTANIC GARDENS, PERADENIYA

1. In these regulations—

"Director" means the Director of Agriculture; and
"Gardens" means the Royal Botanic Gardens, Peradeniya.

2. (1) Subject to the provisions of paragraphs (2) and (3) of this regulation, the Gardens shall be open to the public daily from 7 a.m. to 6 p.m.

(2) The orchid house in the Gardens shall be open to the public daily from 9 a.m. to 5.30 p.m.

(3) The economic museum in the Gardens shall be open to the public daily from 9 a.m. to 12 noon and from 1 p.m. to 5.30 p.m., except on Saturdays, Sundays and public holidays. On Saturdays, Sundays and public holidays the museum shall be open from 9 a.m. to 1 p.m.

3. The Director may, if he is satisfied that there are exceptional circumstances rendering the closure of the Gardens necessary, close the Gardens for a period not exceeding three days, after giving at least seven days' notice of the closure in the Gazette.

4. When the Gardens are closed to the public, the curator shall cause notices to that effect in English, Sinhalese, and Tamil to be displayed at the entrance to the Gardens.

5. (1) Whenever any work of construction, reorganization or repair is commenced in any part of the gardens, the Director or the curator shall have the power to prohibit the use of such part by the public for such time as may be necessary.

(2) Where the use of any part of the Gardens is prohibited, the curator shall cause notices to that effect in English, Sinhalese and Tamil to be displayed conspicuously in such part.

(3) No person shall fail to comply with a notice displayed under paragraph (2) of this regulation.

6. No person other than the Director, the curator or a guide authorized by the Director or the curator, shall conduct visitors round the Gardens.

7. No person shall enter or remain in the Gardens when he is under the influence of alcohol.

8. Within the Gardens, no person shall—

(1) behave in an indecent or disorderly manner or commit any nuisance therein;

(2) carry or use firearms or catapults of any description;

(3) molest or harass any other person;

(4) catch or feed fish in any pond or throw any matter into such pond;

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(5) climb any tree or walk on any flower-bed or border ;

(6) throw stones or sticks at any tree ;

(7) damage or in any way injure any plant, tree or shrub ;

(8) damage or in any way deface the seats, labels, buildings or any other property of the Government ;

(9) catch or kill any bird or destroy any bird's nest ;

(10) play football, rugger, hockey, cricket, volley ball or any other game prohibited by the curator ; or

(11) kill any animal or reptile other than snakes, poisonous animals and pests likely to damage or destroy plants.

9. No person shall bring into the Gardens any dog or other animal unless such animal is led.

10. (1) No person shall, within the Gardens, sell or expose for sale any curio, flower, seed, plant, food or drink.

(2) Where a person employed in the Gardens contravenes the provisions of paragraph (1) of this regulation, he may be dismissed from employment or otherwise punished.

11. No person shall, unless he is employed in the Gardens, pick or gather therein any seed, flower, fruit, or plant.

12. Every vehicle used on any road in the Gardens shall be driven on the left side of such road.

13. No motor vehicle shall be driven in the Gardens at a speed exceeding fifteen miles an hour.

14. No person shall use any motor omnibus, lorry or iron-tyred vehicle in the Gardens unless the use of any such vehicle has been authorized by the curator.

15. Within the Gardens, no person shall—

(1) drive a horse-drawn cab or ride a horse ;

(2) learn to drive a motor vehicle or to ride a bicycle ;

(3) ride abreast or carry any other person on the pillion of a bicycle ;

(4) park any vehicle on any lawn ; or

(5) drive any vehicle over any lawn.

BOTANIC GARDENS, HAKGALA

1. In these regulations—

" Director " means the Director of Agriculture ; and

" Gardens " means the Botanic Gardens, Hakgala.

2. (1) Subject to the provisions of paragraph (2) of this regulation, the Gardens shall be open to the public daily from 7 a.m. to 6 p.m.

(2) The orchid house in the Gardens shall be open to the public daily from 9 a.m. to 5.30 p.m.

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3. The Director may, if he is satisfied that there are exceptional circumstances rendering the closure of the Gardens necessary, close the Gardens for a period not exceeding three days, after giving at least seven days' notice of the closure in the Gazette.

4. When the Gardens are closed to the public, the curator shall cause notices to that effect, in English, Sinhalese and Tamil, to be displayed at the entrance to the Gardens.

5. (1) Whenever any work of construction, reorganization or repair is commenced in any part of the Gardens, the Director or the curator shall have the power to prohibit the use of such part by the public for such time as may be necessary.

(2) Where the use of any part of the Garden is prohibited the curator shall cause notices to that effect in English, Sinhalese and Tamil to be displayed conspicuously in such part.

(3) No person shall fail to comply with a notice displayed under paragraph (2) of this regulation.

6. No person other than the curator, or a guide authorized by the curator shall conduct visitors round the Gardens.

7. No person shall enter or remain in the Gardens when he is under the influence of alcohol.

8. Within the Gardens, no person shall—

(1) behave in an indecent or disorderly manner or commit any nuisance therein;

(2) carry or use firearms or catapults of any description;

(3) molest or harass any other person;

(4) catch or feed fish in any pond or throw any matter into such pond;

(5) climb any tree or walk on any flower-bed or border;

(6) throw stones or sticks at any tree;

(7) damage or in any way injure any plant, tree or shrub;

(8) damage or in any way deface the seats, labels, buildings or any other property of the Government;

(9) catch or kill any bird or destroy any bird's nest;

(10) play football, rugger, hockey, cricket, volley ball or any other game prohibited by the curator; or

(11) kill any animal or reptile other than snakes, poisonous animals and pests likely to damage or destroy plants.

9. No person shall bring into the Gardens any dog or other animal unless such animal is led.

10. (1) No person shall, within the Gardens, sell or expose for sale, any curio, flower, fruit, seed, plant, food or drink.

(2) Where a person employed in the Gardens contravenes the provision of paragraph (1) of this regulation, he may be dismissed from employment or otherwise punished.

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11. No person shall, unless he is employed in the Gardens, pick or gather therein any seed, flower, fruit or plant.

12. Every vehicle used on any road in the Gardens, shall be driven on the left side of such road.

13. No motor vehicle shall be driven in the Gardens at a speed exceeding fifteen miles an hour.

14. No person shall use any motor omnibus, lorry or iron-tyred vehicle in the Gardens unless the use of any such vehicle has been authorized by the curator.

15. Within the Gardens, no person shall—

(1) drive a horse-drawn cab or ride a horse ;

(2) learn to drive a motor vehicle or to ride a bicycle ;

(3) ride abreast or carry any other person on the pillion of a bicycle ;

(4) park any vehicle on any lawn, or drive any vehicle over any lawn.

BOTANIC GARDENS, HENERATGODA (GAMPAHA)

1. In these regulations—

"Director" means the Director of Agriculture ; and

"Gardens" means the Botanic Gardens, Heneratgoda (Gampaha).

2. (1) Subject to the provisions of paragraph (2) of this regulation, the Gardens shall be open to the public daily from 7 a.m. to 6 p.m.

(2) The orchid house in the Gardens shall be open to the public daily from 9 a.m. to 5.30 p.m.

3. The Director may, if he is satisfied that there are exceptional circumstances rendering the closure of the Gardens necessary, close the Gardens for a period not exceeding three days, after giving seven days' notice of the closure in the Gazette.

4. When the Gardens are closed to the public, the curator shall cause notices to that effect in English, Sinhalese and Tamil, to be displayed at the entrance to the Gardens.

5. (1) Whenever any work of construction, reorganization or repair is commenced in any part of the Gardens, the Director or the curator shall have the power to prohibit the use of such part by the public for such time as may be necessary.

(2) Where the use of any part of the Gardens is prohibited, the curator shall cause notices to that effect in English, Sinhalese, and Tamil to be displayed conspicuously in such part.

(3) No person shall fail to comply with a notice displayed under paragraph (2) of this regulation.

6. No person other than the curator or a guide authorized by the curator shall conduct visitors round the Gardens.

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7. No person shall enter or remain in the Gardens when he is under the influence of alcohol.

8. Within the Gardens no person shall—

(1) behave in an indecent or a disorderly manner or commit any nuisance therein;

(2) carry or use firearms or catapults of any description;

(3) molest or harass any other person;

(4) catch or feed fish in any pond or throw any matter into such pond;

(5) climb any tree or walk on any flower-bed or border;

(6) throw stones or sticks at any tree;

(7) damage or in any way injure any plant, tree or shrub;

(8) damage or in any way deface the seats, labels, buildings or any other property of the Government;

(9) catch or kill any bird or destroy any bird's nest; or

(10) kill any animal or reptile other than snakes, poisonous animals and pests likely to damage or destroy plants.

9. No person shall bring into the Gardens any dog or other animal unless such animal is led.

10. (1) No person shall, within the Gardens, sell or expose for sale any curio, flower, fruit, seed, plant, food or drink.

(2) Where a person employed in the Gardens contravenes the provisions of paragraph (1) of this regulation, he may be dismissed from employment or otherwise punished.

11. No person shall, unless he is employed in the Gardens, pick or gather therein any seed, flower, fruit or plant.

12. Every vehicle used on any road in the Gardens shall be driven on the left side of such road.

13. No motor vehicle shall be driven in the Gardens at a speed exceeding fifteen miles an hour.

14. No person shall use any motor omnibus, lorry or iron-tyred vehicle in the Gardens unless the use of any such vehicle has been authorized by the curator.

15. Within the Gardens, no person shall—

(1) drive a horse-drawn cab, or ride a horse;

(2) learn to drive a motor vehicle or to ride a bicycle;

(3) ride abreast or carry any other person on the pillion of a bicycle;

(4) park any vehicle on any lawn; or

(5) drive any vehicle over any lawn.

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CHAPTER 447

PLANT PROTECTION

Ordinance No. 10 of 1924, *Acts* Nos. 6 of 1950, 22 of 1955.

AN ORDINANCE TO MAKE BETTER PROVISION AGAINST THE INTRODUCTION INTO CEYLON AND AGAINST THE SPREAD THEREIN OF WEEDS, AND OF PESTS, AND DISEASES INJURIOUS TO, OR DESTRUCTIVE OF, PLANTS, AND FOR THE SANITATION OF PLANTS IN CEYLON.

[*27th June, 1924.*]

Short title.

1. This Ordinance may be cited as the Plant Protection Ordinance.

Interpretation.

2. In this Ordinance and any regulations made thereunder, unless the context otherwise requires—

[§ 2, 6 of 1950.]

"disease" shall include any fungus or other agent which shall injure, destroy, or be parasitic upon any plant ;

"owner" or "occupier" shall include the proprietor, lessee, superintendent, or other person in actual charge of any cultivated or uncultivated land ;

"pest" shall include any insect or animal which shall in any stage of its development eat, destroy, or otherwise injure any plant ;

"plant" shall include all members of the vegetable kingdom, whether living or dead, or any part or parts of such, but shall not include canned or preserved fruits or canned or preserved vegetables ;

[§ 2, 6 of 1950.]

"weed" shall include any plant which is declared by the Minister [1] to be a weed for the purposes of this Ordinance.

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Appointment of inspectors and officers.

3. There may be appointed [3] for the purposes of this Ordinance one or more inspectors and sub-inspectors and such other officers as may be necessary.

Entry on land for purposes of inspection. [§ 3, 6 of 1950.]

4. It shall be lawful for the Director of Agriculture, or for any person authorized by him in writing or for any inspector or sub-inspector, with or without assistants, to enter, at all reasonable times, upon any land for the purpose of inspecting and examining whether plant pests, diseases, or weeds exist thereon, and the owner or occupier of such land shall afford all reasonable facilities for such inspection and examination.

Director of Agriculture, inspector, or sub-inspector not to be deemed trespasser by reason of entry, &c.

5. Neither the Director of Agriculture, nor any inspector or sub-inspector, nor any person assisting the Director or any such inspector or sub-inspector, shall be deemed a trespasser by reason of any entry or destruction or action taken or thing done under this Ordinance or any regulation made thereunder, or be liable for any damage occasioned by carrying out any of the provisions of this Ordinance or of any regulation made thereunder, unless the same was occasioned maliciously and without reasonable and probable cause.

Penalty for contravention of Ordinance or regulation thereunder.

6. If any person, without lawful authority or excuse (proof whereof shall lie on him), contravenes any regulation made under this Ordinance, or does or omits to do anything which under the provisions of this Ordinance or of any regulations made thereunder he ought not to do or omit, or if he molests, obstructs, or impedes, or assists in molesting, obstructing, or impeding, the Director of Agriculture, or any inspector or sub-inspector appointed under this Ordinance, or any customs officer, in the execution of any provisions of this Ordinance or any regulation made thereunder, he shall be guilty of an offence against this Ordinance.

Punishment for offences.

7. If any person is guilty of an offence against this Ordinance or any regulation made thereunder, he shall be liable on conviction before a Magistrate to

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imprisonment of either description to a term not exceeding three months, or to a fine not exceeding five hundred rupees, or to both.

Penalty on person guilty of unnecessary violence or annoyance.

8. Every person who shall, under pretence of performing any act under the authority of this Ordinance or of any regulation made thereunder, be guilty of any unnecessary violence or cause any unnecessary annoyance to any person, shall be guilty of an offence against this Ordinance.

Regulations.

9. (1) The regulations set forth in the Schedule shall have effect as if the same were contained in this Ordinance, but may be added to, amended, or revoked in the manner, and subject to the conditions, provided for the making of regulations in this section.

(2) The Minister [1] may make regulations for the purpose of preventing the introduction into Ceylon, and for the purpose of eradicating, or preventing the spreading therein of weeds, or of pests and diseases injurious to, or destructive of, plants.

[§ 4, 6 of 1950.]

(3) Such regulations may provide, but without detracting from the generality of the powers herein before conferred—

(*a*) for prohibiting the importation into Ceylon from places beyond sea of any plants, invertebrate animals and insects, and for restricting the sea and air ports at which plants may be landed ;

[§ 4, 6 of 1950.]

(*b*) for prohibiting the landing of plants from vessels or boats or aircraft either absolutely or conditionally ;

[§ 4, 6 of 1950.]

(*c*) for providing for the importation of plants under special licence and conditions ;

(*d*) for inspecting plants at, before or after the time of landing ;

[§ 4, 6 of 1950.]

(*e*) for cleansing, fumigating, or disinfecting, at the expense of the consignee, and, if expedient, destroying at, before or after landing and

[§ 4, 6 of 1950.]

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without compensation, all plants, or the packages, cases, pots, or covering in which they may be packed, which shall be found or suspected to be infected with any pest or disease, and for the recovery of prescribed fees from the consignee ;

(*f*) for requiring the quarantine of imported plants in special areas, and for fixing the conditions of such quarantine and the fees to be charged therefor ; [§ 4, 6 of 1950.]

(*g*) for preventing the outbreak or dissemination of any pest, disease, or weed within Ceylon ;

(*h*) for declaring any area to be an infested area, and for the proper quarantine of any area declared as being infested with any pest, disease, or weed ;

(*i*) for the spraying or other treatment of any weed or of any plants within Ceylon affected with any pest or disease ;

(*j*) for the destruction and proper disposal of any weed or of any plants within Ceylon affected or likely to be affected with any pest or disease ;

(*k*) for regulating the transfer of plants from one locality to another ;

(*l*) for prescribing the officers who are to carry out regulations under this Ordinance, and the powers conferred, and duties imposed, upon them for the purpose aforesaid ;

(*m*) for the constitution of committees to advise the Director of Agriculture and the inspectors appointed under this Ordinance, and to take such other action as may be necessary to ensure its effective administration.

(4) All regulations made under this Ordinance shall be published in the Gazette, and shall, subject to the provisions of the next following subsection, from the date of such publication have the same force as if they had been enacted in this Ordinance.

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(5) All regulations published as aforesaid shall be laid as soon as conveniently may be before the Senate and the House of Representatives, [1] and may at any time within forty days after the date of their being so laid before the Senate or the House of Representatives, [1] or at any of the three meetings of the Senate or the House of Representatives [1] succeeding such date, by resolution of the Senate or the House of Representatives [1] be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.

SCHEDULE

[Section 9.]

REGULATIONS

PART I

1. *Limitation of Importation of Plants.*—

No person shall import any plant into Ceylon except through the port of Colombo or the port of Talaimannar or the airport of Colombo (Ratmalana) or the Royal Air Force Station, Negombo, or the airport of Kankesanturai.

2. *Prohibitions and Restrictions.*—(1) No person shall import into or land in Ceylon—

(*a*) any living specimen of any insect or invertebrate animal not already known to exist in Ceylon except under a permit in writing previously obtained from the Director of Agriculture ;

(*b*) any plant whatsoever or any insect or any invertebrate animal by aircraft except under a permit in writing from the Director of Agriculture ;

(*c*) any seed or plant of any species from the American Tropics or any country in which the South American leaf disease of Hevea (*Dothidella ulei*) occurs ;

(*d*) any seed or plant of any species of *Hevea* from any country whatsoever except under, and in accordance with the terms and conditions of, a permit in writing from the Director of Agriculture ;

(*e*) any aquatic plant ;

(*f*) any of the plants known as—

(i) Rice grass (*Spartina townsendii*) ;
(ii) Blackberry (*Rubus fruticosus*) ; or
(iii) Cape tulips (*Homeria collina* and *H. Miniata*) ;

(*g*) any coconut plant ;

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(*h*) any plant, pod or seed (other than cured seed) of cacao (*Theobroma cacao*) from any country whatsoever except under and in accordance with a permit in writing from the Director of Agriculture ;

(*i*) any seed or unginned cotton or raw ginned cotton of any species of *Gossypium* grown in the Western Hemisphere except through the port of Colombo, and except under, and in accordance with the terms and conditions of, a permit in writing from the Director of Agriculture ;

(*j*) any sweet potato tuber or portion thereof from Africa ;

(*k*) any living part of the cassava plant (*Manihot Utilissima*) except under a permit in writing from the Director of Agriculture ;

(*l*) any tomato seed except under the authority of a written permit from the Director of Agriculture ;

(*m*) any citrus plant of any species except under a permit in writing from the Director of Agriculture who shall grant such permit only if he is satisfied that the country from which such plant is to be imported is free from any virus disease of the citrus plant ; or

(*n*) any seed or plant of any species of *Helianthus* grown in the Western Hemisphere.

(2) No person other than the Director of Agriculture shall import into or land in Ceylon any plant packed with soil or compost other than mulch which can be completely removed from the plant and subjected to sterilization.

(3) No person shall land in Ceylon any refuse or sweepings containing vegetable matter from any ship or aircraft which has arrived at any port or airport in Ceylon from any place outside Ceylon.

(4) No person other than the Director of Agriculture shall import into or land in Ceylon any sugar cane sett.

3. (1) No person shall import any fresh fruit into Ceylon without a licence issued by the Director of Agriculture, or by an officer of the Department of Agriculture authorized in that behalf by the Director, or otherwise than in accordance with the terms and conditions of such licence.

(2) No licence shall be issued for the import of fresh fruit from any country in which the Mediterranean Fruit Fly (*Ceratitis capitata*) or any other pest of fruits which has not become established in Ceylon is known or suspected to exist unless the Director of Agriculture is satisfied that either before export from such country or during transit to Ceylon the fruit is so treated as to ensure that such pest, in all its stages, is effectively destroyed.

(3) Every licence issued under this regulation shall—

(*a*) specify the country from which the fresh fruit may be imported ;

(*b*) be valid for the period specified in the licence ;

(*c*) be subject to the condition that it may be withdrawn by the Director of Agriculture at any time prior to the expiry of that period by written notice addressed to the holder of the licence ;

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(*d*) be subject to such other special conditions as may be set out in such licence by or by the authority of the Director of Agriculture ; and

(*e*) be in the form set out hereunder :—

" THE PLANT PROTECTION ORDINANCE

Licence to Import Fresh Fruit

Under regulation 3 of the regulations set forth in Part I of the Schedule to the Plant Protection Ordinance, as amended by regulation published in Gazette No. ———— of ————, ———— (name) ———— of ———— (place) ———— is hereby licensed to import the under-mentioned varieties of fresh fruit from ———— :

————

————

————

This licence expires on ————.
This licence is subject to the condition that it may be withdrawn by the Director of Agriculture at any time prior to the date set out above by written notice addressed to the holder of this licence.
This licence is further subject to the special conditions set out overleaf.

————,

(for) Director of Agriculture.

———— (date) ————."

(4) No person shall land any fresh fruit at the port of Colombo or at the port of Talaimannar or at the airport of Colombo (Ratmalana) or at the Royal Air Force Station, Negombo, or at the airport of Kankesanturai, unless he has satisfied the Collector of Customs at that port or airport, as the case may be, that such fruit was grown in and consigned from the country specified in the licence issued for the importation of such fruit under regulation 3 (1).

4. *Inspection, Fumigation, and Disinfection.*—(1) All living imported plants together with the packing cases, pots or coverings in which such plants may be packed shall be conveyed by the customs authorities to the inspector-in-charge of the Colombo fumigatorium for examination : Provided that this paragraph shall not apply to potatoes, onions, turmeric, culinary seed, edible vegetables, and the seed of such vegetables and the seed of any ornamental plant.

(2) Every imported plant, which on inspection is found or suspected to be infected with any pest or disease, shall be subjected to fumigation or disinfection, or both fumigation and disinfection, in such manner and to such extent as may be deemed necessary by the inspector.

(3) Where fumigation or disinfection is necessary, such fumigation or disinfection shall be carried out at the Colombo fumigatorium.

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(4) The Director of Agriculture may order that any plant which has been inspected be grown at the risk of the consignee for a period of quarantine in special nurseries provided or approved by the Director of Agriculture for that purpose. Neither the Director of Agriculture nor any other officer acting under his authority shall be in any way responsible for the safety of plants in quarantine. No plant nor any part thereof shall be removed from quarantine without a written permit from the Director of Agriculture.

(5) Every plant which is to be fumigated or disinfected under this regulation shall, after it is landed at the customs premises, be conveyed to the fumigatorium under customs supervision at the expense of the consignee or his agent.

(6) As soon as possible after the receipt of any imported plant or package of imported plants at the fumigatorium such plant or package shall be examined by the inspector and fumigated or disinfected or both fumigated and disinfected, as the circumstances may require.

(7) After examination and any necessary treatment, the articles shall be delivered to the consignee together with a certificate showing that they have been dealt with as required by this regulation.

(8) No person shall remove any article from the fumigatorium until he has obtained the certificate referred to in paragraph (7).

(9) The certificate referred to in paragraph (7) shall not be granted until all fees due in respect of supervision and fumigation have been paid in such manner as the Principal Collector of Customs may direct.

(10) Fumigation or disinfection shall be carried out at the risk of the consignee, and the consignee or his agent shall be in attendance during the process of unpacking the articles for inspection, fumigation, or disinfection and of repacking them thereafter, and shall provide the labour necessary for handling the articles during such processes.

(11) Where any plants are sent to Ceylon through the post office from a place beyond Ceylon the plants shall be conveyed to the fumigatorium under the supervision of the postal authorities at the expense of the consignee or his agent and shall be examined by the inspector and dealt with as prescribed in the foregoing paragraphs.

(12) The consignee shall pay in respect of each plant or package conveyed to the fumigatorium—

(*a*) where it is conveyed under the supervision of the customs authorities, a supervision fee of Re. 1 for any period from 9 a.m. to 4 p.m., together with a further fee calculated at the rate of 25 cents per hour for any period between 4 p.m. and 9 p.m. ; and

(*b*) where it is conveyed under the supervision of the postal authorities, a supervision fee of 50 cents for any period from 9 a.m. to 4 p.m., together with a further fee calculated at the rate of 25 cents per hour for any period between 4 p.m. and 9 p.m.

(13) The consignee shall, in addition to the fee specified in paragraph (12) pay a fee of 25 cents per package to cover the cost of fumigation or disinfection.

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(14) Any imported plant which in the opinion of the inspector cannot be cleaned by fumigation or other treatment and which is not necessary for further observation shall, together with the packings, cases, pots or covering in which it may be packed, be destroyed at the expense of the consignee.

PART II

5. *Notification of Pests, Diseases, and Weeds.*—The Minister[1] shall from time to time, by notification in the Gazette, declare the pests and diseases and weeds to which the regulations contained in this Part shall apply, hereinafter in these regulations referred to as a declared pest, disease, or weed, as the case may be.

6. The owner or occupier of any plantation, estate, garden, or land upon which any declared pests, diseases, and weeds are present shall forthwith report in writing the presence of such pest, disease, or weed to the Director of Agriculture either direct or through the nearest headman. A failure so to report shall be an offence under the Ordinance, unless such person shall prove that he had no reasonable ground for suspecting the presence of such pest, disease, or weed in his plantation, estate, garden, or land.

7. In the case of a declared infested area it shall be lawful for the Director of Agriculture or any person authorized by him in writing, or for any inspector or sub-inspector, to enter at all reasonable times any plantation, estate, garden, or land whatsoever to determine whether any declared pest, disease, or weed is present. It shall be lawful for such Director of Agriculture, or person authorized by him in writing, or inspector, or sub-inspector to remove plants or any portion thereof for the purpose of further examination and inspection.

8. It shall be the duty of every owner or occupier of any plantation, estate, garden, or land to conduct or cause to be conducted the Director of Agriculture, or any person authorized by the Director of Agriculture in writing, or inspector or sub-inspector over such plantation, estate, garden, or land upon being requested to do so.

9. *Declaration of Areas Infested.*—When the Director of Agriculture shall be satisfied that any declared pest, disease, or weed is present in any plantation, estate, garden, or land, he shall, by notification in the Gazette, declare the plantation, estate, garden, or land, or the divisional revenue officer's division of the administrative district or any part thereof in which the said plantation, estate, garden, or land is situated, and such adjoining divisional revenue officers' divisions of administrative districts as he may consider necessary as an infested area.

10. *Plants not to be removed from an Infested Area.*—No weed or plant or part of plant attacked by or liable to be attacked by the pest or disease specified in the notification of an infested area shall be removed by any person other than an inspector or a sub-inspector from land within such infested area, save and except as may be permitted by the Director of Agriculture under permit in writing, and any person removing or receiving such plants shall be guilty of an offence.

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11. *Declaration of Areas Free.*—Upon being satisfied that any such infested area or part thereof is no longer infested, the Director of Agriculture may, by notification in the Gazette, declare such area or part thereof to be no longer infested, and thereafter it shall cease to be an infested area.

12. *Spraying or other Treatment.*—The Director of Agriculture may, by notice in the Gazette, prescribe the manner in which weeds or plants attacked by a declared pest or disease shall be treated, and it shall be the duty of the owner or occupier of land within this defined area to cause such weeds or plants attacked by the declared pest or disease to be treated in the manner prescribed.

13. If on a visit of an inspector or sub-inspector any declared weed, pest, or disease is found to be present, he may order the weeds or affected plants to be treated in the manner prescribed. If upon a second visit after an order has been issued the inspector or sub-inspector shall find the declared weed, pest, or disease still to exist, and that no action has been taken, he shall report the matter to the Director of Agriculture or to any person authorized by the Director of Agriculture in writing or to the local agricultural committee, as the case may be, who may by notice which shall be in English, Sinhalese, and Tamil and in the form or to the effect set out in the Appendix to these regulations order the owner or occupier to treat the plants or weeds in the manner prescribed within a defined time.

14. If the owner or occupier fails or neglects to comply with such notice, the inspector or sub-inspector may enter upon the land and spray or otherwise treat the weeds or plants or destroy them at the expense of the owner or occupier, but nothing contained therein shall relieve the owner or occupier from any penalty he may have incurred by reason of his default, failure, or neglect.

15. *Service of Notice.*—A notice shall be deemed to be served on any person if it is delivered to him personally or sent through the post in a registered letter addressed to him at his last known place of abode or business, or if the notice cannot be so served, or if there be no known owner or occupier, it may be put up at some conspicuous part of such land, and it shall be not necessary in any such notice to name the owner or occupier, and a notice purporting to be signed by the Director of Agriculture or the chairman of the local agricultural committee shall be prima facie evidence that it was signed by him.

16. *Plant Nurseries.*—(1) The owner or person in charge of any nursery in which plants are grown for sale shall, within thirty days of the publication of this regulation in the Gazette, * give notice to the Director of Agriculture of the existence of such nursery.

(2) Every person who intends to establish a nursery for growing plants for sale shall, at least fourteen days before the date on which he establishes such nursery, give notice to the Director of Agriculture of his intention to establish a nursery.

(3) Every person who gives notice under paragraph (1) or paragraph (2) of this regulation shall specify in such notice particulars of the plants grown or to be grown, as the case may be, in the nursery.

* Published in Gazette No. 10,135 of 11th August, 1950.

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(4) Any inspector or sub-inspector may inspect any nursery in which plants are grown for sale, and may, by notice in writing served on the owner or person in charge of such nursery, order such owner or person in charge to destroy any diseased or pest-infested plant found in such nursery. Every person on whom a notice is served under this paragraph shall, unless he appeals from the order, comply with such notice within the time prescribed therein.

(5) Any person who is dissatisfied with any order issued under paragraph (4) may, within three days of the receipt of the notice communicating such order, appeal against such order to the Director of Agriculture and such Director may confirm or reverse such order or give such directions in the matter as he may deem necessary.

APPENDIX

THE PLANT PROTECTION ORDINANCE
NOTICE UNDER REGULATION 13

1. You are hereby requested to take notice that ———— has been found to occur on ———— owned/occupied by you in ———— District, in ———— Province, and that you are required to adopt the following prescribed treatment within ———— days :—

Treatment Prescribed.

————.

2. If you fail to comply with this notice, ———— is authorized by law to carry out the measures ordered, and the cost of carrying out such measures shall be recovered from you under regulation 14 of the regulations in the Schedule to the Plant Protection Ordinance. In addition, you will be liable to the penalties specified in section 7 of the said Ordinance.

————

Signature and designation of officer.

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CHAPTER 448

WATER HYACINTH

AN ORDINANCE TO MAKE PROVISION TO PREVENT THE INTRODUCTION INTO, AND DISSEMINATION IN, CEYLON OF THE PLANT KNOWN AS THE WATER HYACINTH.

Ordinance No. 4 of 1909.

[*20th March, 1909.*]

Short title.

1. This Ordinance may be cited as the Water Hyacinth Ordinance.

Interpretation.

2. In this Ordinance the expression "the water hyacinth" means the plant botanically known as *Eichhornia crassipes*, and includes the seed and every part of the plant.

Prohibition of importation or possession of water hyacinth.

3. It shall be unlawful for any person—

(*a*) to import the water hyacinth into Ceylon ; or

(*b*) to possess or keep the water hyacinth, or allow the same to grow in or on any place belonging to him or under his control or management.

Duty of landowners to destroy plant.

4. Where the water hyacinth is growing in or on any place, it shall be the duty of the person to whom such place belongs, or who has the control or management thereof, forthwith to cause the same to be completely and effectually destroyed by fire.

Penalties

5. Any person who—

(*a*) imports the water hyacinth into Ceylon ; or

(*b*) possesses or keeps or allows the same to grow in any place belonging to him or under his control or management ; or

M. 44——J. N. R 7598 (4/60)

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(*c*) fails forthwith to destroy in manner prescribed by section 4 any water hyacinth which may be found growing in any such place as aforesaid,

shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding one hundred rupees.

Power of customs officers to destroy plant on importation.

6. It shall be lawful for the principal officer of customs at any port at which any water hyacinth may be landed to destroy the same, and no person shall be entitled to compensation for any water hyacinth so destroyed.

Power to extend certain provisions to other noxious weeds or plants.

7. (1) It shall be lawful for the Minister [1] by Order [1] to declare that the provisions of this Ordinance—

(*a*) prohibiting the importation of the water hyacinth ;

(*b*) imposing a penalty on persons importing the said plant ;

(*c*) empowering customs officers to destroy the said plant on importation,

shall extend to any noxious weed or plant specified in the Order [1] and to the seed or any part of such plant.

(2) Upon such Order [1] the above-mentioned provisions of this Ordinance shall apply, *mutatis mutandis*, to such weed or plant.

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CHAPTER 449

FLOOD PROTECTION

AN ORDINANCE FOR THE PROTECTION OF AREAS SUBJECT TO DAMAGE FROM FLOODS.

Ordinance No. 4 of 1924, *Act* No. 22 of 1955.

[*6th May, 1924.*]

Short title.

1. This Ordinance may be cited as the Flood Protection Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"the Director" means the Director of Irrigation or any other person appointed[3] to prepare and carry out a scheme under this Ordinance;

"thoroughfare" has the same meaning as in section 40 of the Thoroughfares Ordinance.

Power to declare any area in Ceylon a flood area.

3. (1) The Minister[1] may, by Order published in the Gazette, declare any area in Ceylon to be a flood area.

(2) While any such Order remains in force, the area indicated therein shall form a flood area, and be subject to the provisions of this Ordinance.

Preparation of scheme for protection of flood area.

4. (1) Where any area is declared to be a flood area, the Director shall prepare a scheme for the efficient protection of such area against floods, and also a statement of the estimated cost of the necessary work.

(2) The Director shall also delineate in distinguishing colours on a plan of such flood area the lands within the area liable to submergence and the dams, draining trenches, outfalls, sluices, locks, and other works which it is proposed to make or maintain, and, where it is expedient to change the position of any

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thoroughfare or portion thereof, shall delineate in distinguishing colours on the plan the best position and line for the proposed new thoroughfare.

Inspection of scheme and plan by persons interested.

5. (1) A copy of the scheme, together with the estimate of the cost of the necessary works and of the plan of the flood area, with the proper delineations thereon, shall be lodged at the office of the Director of Irrigation in Colombo, and also at the office of the Government Agent of the administrative district in which such flood area or any part thereof is situated and at such other places as may be named by the Minister. [1]

(2) Notice that the documents and plan above referred to have been so lodged and are open for inspection shall be given by public advertisement in the Gazette and at least one newspaper published in Ceylon.

(3) The documents and plan shall remain open for the inspection of every person desiring to see the same on every day, not being a Sunday or public holiday, during office hours, for three months after the date of the first publication of the notice.

(4) Any person whose lands are shown on any such plan as being liable to submergence or who considers that his property, whether situated within or outside of the flood area, would be injured by the carrying out of the scheme may, within such period of three months, lodge at the office of the Director in Colombo or of the Government Agent of the administrative district in which such flood area or any part thereof is situated his objections in writing to his lands being shown as so liable to submergence, or may state in writing the nature and extent of the damage he considers he would suffer if the scheme were carried out, furnishing full particulars in writing of such estimated damage.

(5) After the expiration of such period of three months, the Director shall forward the scheme, with the estimate and plan, and the objections to the scheme and statements of prospective damage, if any, with a full report thereon, to the Minister. [1]

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Powers of Minister on consideration of scheme.

6. (1) (*a*) The Minister,[1] after considering the scheme referred to in section 5, with all the objections thereto, may make such order as to him may seem fit—

(i) confirming, varying, altering, or rejecting any such scheme ;

(ii) altering or extending the limits of any such flood area ;

(iii) directing works to be carried out for the protection and drainage of the flood area ; or

(iv) changing the position of any thoroughfare passing through such area or any portion thereof as to him may seem expedient.

(*b*) The Minister[1] may, from time to time, make amending orders with respect to any of the matters herein before in this subsection mentioned.

(2) Such order of the Minister[1] and any amending order shall be published in the Gazette and at least one newspaper published in Ceylon.

(3) The Director is hereby authorized to, and, if the Legislature provides the necessary funds, shall carry out and execute the works ordered or directed by the Minister[1] and no person shall, except as in this section provided, be entitled to claim compensation for any alleged damage in consequence of such works being carried out.

(4) If any buildings, fences, growing crops, or trees are injured, destroyed, or cut down, or if the value of any land not previously liable to submergence is affected by being made so liable, in consequence of any such works being carried out, any person entitled to such buildings, fences, growing crops, or trees, or to such land may, within one month of such injury or destruction occurring, or of such trees being cut down, or of the order in subsection (2) of this section mentioned being published, apply to a court having jurisdiction within the division in whch the flood area is situated to have the amount of his claim for such damage ascertained and certified.

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(5) (*a*) Every such application shall be made by petition in a summary way as provided for in Chapter XXIV of the Civil Procedure Code, and in any such petition the Attorney-General shall be named as the respondent.

(*b*) The court shall, after hearing the parties to any such petition, certify what is the estimated amount of damage which the applicant may have suffered or will suffer, and the amount certified shall be deemed part of the cost of the construction of the works and shall be paid in the same manner.

(6) An appeal shall lie from any such certificate of a court in the same manner and subject to the same conditions as in the case of appeals arising within the ordinary jurisdiction of such court.

(7) All proceedings before any court or upon any appeal, as aforesaid, shall be liable to the same duties as are payable on ordinary proceedings in the said court or in respect of appeals therefrom.

Flood authority.

7. The Government Agent of the administrative district in which the flood area is situated, or, if such flood area is situated in more districts than one, then such one of the Government Agents thereof as may be nominated by the Minister,[1] shall be the flood authority for such area:

Provided that where any flood area falls, either wholly or in part, within the limits of a Municipality, the Minister[1] may order that the Mayor of the Municipal Council shall be substituted for the Government Agent as the flood authority for the flood area.

Duties of flood authority.

8. The flood authority shall maintain, and is hereby empowered, in accordance with the provisions of this Ordinance, to do all acts necessary to maintain, in good order, all such dams, draining trenches, outfalls, sluices, locks, and other works as are required for the protection of the flood area.

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Regulations for management of flood area.

9. (1) The Minister[1] may make regulations for the purpose of carrying out the provisions of this Ordinance, and particularly, but without detracting from the generality of the powers herein before in this section contained—

(*a*) for ensuring the maintenance of the drainage of the flood area ;

(*b*) for ensuring the maintenance in good order of the works required for the purpose of protecting such area ;

(*c*) for the recovery of flood rates by the seizure and sale of any land liable to such rates and of any crops and movable property being in or upon any such land, and for the cancellation of any such sale of land upon payment of arrears of flood rates due in respect of any such land ;

(*d*) prescribing the duties to be performed and the powers to be exercised by inspecting officers.

(2) Such regulations may impose on the owner or occupier of any land in any such flood area all or any of the following obligations, that is to say :—

(*a*) to keep clear, and of a specified width and depth, the portion of any draining trench bordering upon any such land ;

(*b*) to make and keep clear drains of sufficient size and depth to carry off the water from any such land into the draining trenches.

(3) All such regulations shall be published in the Gazette and shall thereupon, subject to the provisions of the next succeeding subsection, be as legal, valid, effectual, and binding as if they had been enacted in this Ordinance.

(4) All such regulations shall be laid as soon as conveniently may be before the Senate and the House of Representatives,[1] and may at any time within forty days after the date of their being so laid before the Senate or the House of Representatives,[1] or at any of the three meetings of the Senate or the House of

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Representatives [1] next succeeding such date, by resolution of the Senate or the House of Representatives, [1] be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.

(5) Any person not complying with any such regulation shall be guilty of a summary offence and be liable on conviction to a fine not exceeding one hundred rupees.

Appointment of inspecting officers.

10. There may be appointed [3] such number of persons to be inspecting officers as may be [3] expedient.[1]

Repayment of cost of executing works.

11. (1) The cost of preparing a scheme, executing works, and payment of compensation under the provisions of this Ordinance shall be defrayed out of such funds as may be provided for the purpose by Parliament, [1] and the amount of such cost, together with interest thereon at the rate of six *per centum* per annum, shall be repaid by a yearly rate on all lands within the flood area shown on the plan referred to in section 4 of this Ordinance to be liable to submergence for such term as may be directed by the Minister with the concurrence of the Minister of Finance. [1]

(2) In fixing any such rate the Minister [1] shall take into consideration and give due effect to any amount which may be contributed by a vote of the House of Representatives [1] towards such cost as aforesaid.

(3) It shall be lawful for the Minister [1] to agree with the owner of any land liable to pay any such yearly rate that such liability shall be compounded for a fixed sum, and upon such sum being paid to the Deputy Secretary to the Treasury [1] such land shall become and be relieved from all further liability to pay any such rate.

Defraying of cost of maintaining works.

12. The cost of maintaining the works sanctioned under this Ordinance, including the salary of any inspecting officers, of maintaining the drainage of any flood area, and of meeting the other expenses of carrying out the provisions of this Ordinance not otherwise

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expressly provided for may be defrayed by a yearly rate on all lands within the flood area shown on the plan referred to in section 4 of this Ordinance to be liable to submergence.

Flood rate.

13. The amount of the yearly rates payable under section 11 and section 12 shall be added together, and shall be made one rate, to be called the "flood rate".

Manner of levying flood rate.

14. (1) The flood rate shall be levied upon the appraised value of all lands within the flood area shown on the plan referred to in section 4 of this Ordinance to be liable to submergence.

(2) It shall be lawful for a flood authority to appoint persons to appraise the value of such lands who shall, in making such appraisement, take into consideration the description, condition, and locality of such lands, and the probable effect thereon of carrying out the scheme for the protection of the flood area.

(3) When any appraisement is completed, such appraisement shall be lodged at the kachcheri or at the office of the Municipality, as the case may be, and notice that such appraisement has been so lodged shall be published in the Gazette and at least one newspaper published in Ceylon. Subject to any fresh appraisement made as hereinafter provided, such first-named appraisement shall be final and conclusive.

(4) It shall be lawful for the owner of any land who considers that the same has been appraised at an excessive amount, within one month from the day of such appraisement being lodged as aforesaid, to give notice to the flood authority in writing that he requires a fresh appraisement to be made ; and in such notice he shall name a person to act on his behalf as an appraiser.

(5) The authority shall, within one week from the receipt of such notice, appoint another appraiser, and such appraisers shall forthwith proceed to make a new appraisement.

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(6) In case of a difference of opinion occurring between the appraisers so appointed with regard to the value of the property required to be newly appraised, such appraisers shall appoint an umpire, whose decision shall be final.

(7) If such appraisers cannot agree upon an umpire, the flood authority or the owner may apply to the Judge of the District Court having jurisdiction in the district in which the land is situated to appoint such umpire as aforesaid.

(8) The Minister [1] may, subject to the provisions of section 9 of this Ordinance, make regulations providing for the procedure to be adopted by appraisers in making fresh appraisements and generally for the carrying out of the purposes of this section.

Mode of determining amount of flood rate.

15. The flood rate shall be determined in the manner following :—

(*a*) the flood authority shall, on or before the first day of October in each year, by writing signed by such authority, fix the rate for the ensuing year, and shall, on or before the said day, give public intimation thereof by notice to be published in the Gazette and one newspaper published in Ceylon ;

(*b*) any person objecting to the proposed rate may file his objections in writing at the office of the flood authority on or before the first day of December following ;

(*c*) the flood authority, as soon as may be practicable, shall forward to the Minister [1] the said notice fixing the rate and all objections thereto ;

(*d*) on receiving the said notice, and the objections in writing, if any, the Minister with the concurrence of the Minister of Finance [1] may finally determine what the rate shall be, and the rate so determined shall be the flood rate for the current year ; and

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(*e*) the production of the Gazette containing an official intimation that the rate and the amount thereof have been determined by the Minister with the concurrence of the Minister of Finance [1] shall be conclusive evidence that the rate has been duly made.

Payment of flood rate in instalments.

16. The flood rate shall be payable in such instalments as may from time to time be appointed by the flood authority.

Proof of amount due.

17. A statement purporting to be signed by the flood authority shall, without proof of the signature, be prima facie evidence that the amount stated is payable in respect of the rate.

Change of thoroughfares.

18. (1) If it becomes necessary for the purposes of any scheme under this Ordinance to change the position of any thoroughfare passing through a flood area or any portion thereof, the Minister with the concurrence of the Minister charged with the subject of Roads [1] may order such thoroughfare or portion thereof to be stopped up and another course for such thoroughfare or portion thereof, to be substituted.

(2) If in the execution of any such order it becomes necessary to take possession of the land of any person, it shall be lawful for the Director, subject to the approval of the Minister,[1] to make an agreement with the owner, for the compensation to be paid for such land, and for any buildings, fences, growing crops, or trees, thereon, either by allowing him to possess the ground, or part of the ground, of the former thoroughfare, or by the grant of other land in exchange or by payment of money or by any two or more of such methods.

(3) The land of any private person taken possession of in pursuance of such agreement shall vest in the Crown without any formal transfer thereof, and the certificate of the Director that any person has been allowed to possess any part of the ground of the former thoroughfare or such other land, together with a survey thereof, shall be a sufficient proof of the right of such person to the same.

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(4) If the Director cannot agree with such owner as to the compensation to be made, or if the owner cannot be found, or if it be not thought advisable to enter into any such agreement, then proceedings may be taken for obtaining possession of such land, and for compensating the owner, in the manner hereinafter in this Ordinance provided.

Power of entry.

19. The Director, any inspecting officer, and any flood authority, accompanied by the assistants, servants, workmen, and labourers employed by or under such Director, inspecting officer, or flood authority, may, at all times and with all necessary and proper vehicles and animals and other means, enter upon any land, and there severally do and perform all acts, matters, and things necessary for the purpose of carrying out the provisions of this Ordinance or for the effectual preparation of any scheme thereunder.

Acquisition of land for purposes of Ordinance.

20. Where under this Ordinance any land or building or part of any land or building is required for the purposes of this Ordinance, and the amount of the compensation in respect thereof is not settled by agreement, the Minister,[1] upon the application of the Director or of the flood authority seeking to make the acquisition, may declare that the land or building or the part of the land or building is required for a public purpose, and may order proceedings to obtain possession of the same for the Government and to determine the compensation to be paid to the party interested under the Land Acquisition Act.

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CHAPTER 450

SOIL CONSERVATION

AN ACT TO MAKE PROVISION FOR THE CONSERVATION OF SOIL RESOURCES, FOR THE PREVENTION OR MITIGATION OF SOIL EROSION AND FOR THE PROTECTION OF LAND AGAINST DAMAGE BY FLOODS AND DROUGHT.

Acts Nos. 25 of 1951, 29 of 1953.

[*13th August, 1951.*]

Short title.

1. This Act may be cited as the Soil Conservation Act.

Surveys and investigations as to nature and extent of soil erosion.

2. (1) It shall be the duty of the Director to cause surveys and investigations to be made for the purposes of ascertaining the nature and extent of soil erosion and of damage to land by floods and droughts and of enabling the Minister to determine the areas which should be declared under this Act to be erodible areas.

(2) For the purposes of any survey or investigation carried out under subsection (1), it shall be lawful for any officer authorized in writing by the Director in that behalf to enter and inspect any land at any reasonable time, together with such other persons as he may require, and to carry out thereon all such examinations and inquiries as may be necessary.

Declaration of erodible areas.

3. The Minister may by Order published in the Gazette declare any area defined in the Order to be an erodible area for the purposes of this Act.

Regulations for erodible areas.

4. The Minister may make regulations, to be applicable either generally in all erodible areas, or specially in any specified erodible area—

(*a*) requiring the owners of land to take measures designed to prevent or control soil erosion, including measures for the afforestation of sources of streams and of the banks of streams,

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for the reservation of a prescribed width of land free of cultivation along the banks of streams, for the conservation of vegetation along the banks of streams, for the training of streams by means of check dams or otherwise, and for the erection of contour ridges or terraces ;

(*b*) prohibiting or restricting the clean weeding of land or other agricultural practices conducive to soil erosion ;

(*c*) restricting the use of land for agricultural or pastoral purposes, where such restriction is necessary for the purpose of preventing or controlling soil erosion or of protecting the sources and banks of streams ;

(*d*) prohibiting or controlling the exploitation of forest and grass land resources in the interests of soil conservation or for the purpose of reducing the danger of fires or of damage caused thereby ;

(*e*) authorizing any prescribed officer or person to give directions for seasonal or periodical changes in the type or nature of crops cultivated, or for the adoption or alteration of cultivation practices for the purpose of promoting soil conservation.

Acquisition of land required for carrying out measures to prevent erosion.

5. Where the Minister is satisfied that any land in any erodible area should be withdrawn from cultivation or that any measures designed to prevent or reduce erosion should be taken on or with respect to any such land by the Government, the Minister may declare that the land is needed for a public purpose ; and upon such declaration being made, the land shall be acquired under the Land Acquisition Act, and the provisions of that Act (other than the provisions of sections 2 and 3 thereof) shall apply accordingly.

General regulations.

6. The Minister may make regulations for or in respect of all or any of the following matters :—

(*a*) the measures to be taken by owners of land for the purposes of the preservation and promotion of soil fertility and of facilitating the absorption of moisture by the soil ;

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(*b*) the measures to be taken by owners of land for the purpose of preventing or reducing or remedying damage by soil erosion ;

(*c*) the control of the grazing of animals in so far as grazing interferes with the cultivation of land or is likely to reduce soil fertility or to be conducive to damage by soil erosion ;

(*d*) the control of floods and of the effects of drought by means of provision requiring the diversion of water or the storage of water, and the correlation of measures designed to control floods and conserve water with measures taken by local authorities for the purpose ;

(*e*) the prohibition or restriction of the burning of grass land and of the spread of fire during the burning of chenas ;

(*f*) the specification of the times of tillage and irrigation and of the methods of irrigation in specified areas in order to ensure the economic use of available water ;

(*g*) the authorization of any prescribed officer or person to give directions for seasonal or periodical changes in the type or nature of crops cultivated, or for the adoption or alteration of cultivation practices for the purpose of promoting soil conservation ;

(*h*) the cambering and cross-draining of roads and paths under the control of any Government department or local authority and the prohibition or control of the scouring of drains and water-channels ;

(*i*) any matter in this Act stated or required to be prescribed.

Loan to owner of land who is required to take measures under the Act.

7. (1) Where the owner of any land is required by any regulation made under this Act to take any measures upon or with respect to that land, the Director may, if authorized thereto by regulations made in that behalf and subject to such conditions or restrictions

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as may be prescribed by such regulations, grant a loan to the owner for the purpose of assisting him to defray the cost of such measures.

(2) No loan shall be made under the preceding provisions of this section except out of moneys provided by Parliament for the purpose.

(3) Regulations may be made prescribing the security upon which loans may be granted under this section and the rate of interest payable upon such loans, and providing for the time and manner of the repayment or recovery of the principal and interest due on such loans.

Authority for Director to take measures where owner of land fails so to do.

8. (1) In any case where any owner of any land fails to take on or with respect to the land any measures specified in that behalf in any regulation made under this Act, it shall be lawful for the Director, after giving to the owner notice of such duration as may be prescribed, to cause such measures to be taken on or with respect to that land by an officer authorized in writing by the Director in that behalf; and it shall be lawful for any officer so authorized to enter the land, together with such other persons as he may require, and to carry out thereon all such work as may be necessary for the purpose of taking the required measures.

(2) The cost of carrying out any work on or with respect to any land in pursuance of the powers conferred by subsection (1) shall be payable by the owner in such instalments as may be prescribed; and the amount of any such instalment, if unpaid, shall be recoverable by civil action as a debt due to the Crown.

General provisions as to regulations.

9. (1) Every regulation made by the Minister under this Act shall be brought before the Senate and the House of Representatives for approval, and if so approved shall be published in the Gazette and come into operation upon the date of such publication.

(2) Any regulations made under this Act may empower any such officer or person as may be specified therein to make such orders or issue such directions

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to owners of land, cultivators or other persons as may be necessary for securing compliance with or carrying out the objects and purposes of this Act or of any regulations made thereunder.

Appointment of officers.

10. There may be appointed all such officers and servants as may be necessary for carrying out or giving effect to the principles and purposes of this Act.

Offences and penalties.

11. Any person who contravenes or fails to comply with any regulation made under this Act or any order or direction made or given under any such regulation, or who resists or obstructs the Director or any other officer in the exercise or performance of any function or duty conferred or imposed on the Director or such officer by or under this Act, shall be guilty of an offence and liable on conviction after summary trial before a Magistrate to a fine not exceeding five hundred rupees.

Interpretation.

12. In this Act, unless the context otherwise requires—

"Director" means the Director of Agriculture ;

"owner" in relation to any land includes the lessee or usufructuary mortgagee of the land ;

"prescribed" means prescribed by regulation made under this Act.

M 45——J. N. R 7598 (4/60)

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CHAPTER 451

FORESTS

Ordinances
Nos. 16 of 1907,
11 of 1912,
24 of 1918,
23 of 1931,
16 of 1935,
30 of 1945,
8 of 1947,
Acts
Nos. 34 of 1951,
49 of 1954.

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW RELATING TO FORESTS AND THE FELLING AND TRANSPORT OF TIMBER.

[*2nd January, 1908.*]

CHAPTER I

PRELIMINARY

Short title.

1. This Ordinance may be cited as the Forest Ordinance.

Questions of title.

2. If in any prosecution or proceeding under this Ordinance any question shall arise as to the title to the land in respect of which any such prosecution or proceeding shall be taken, the court or officer having jurisdiction to entertain and adjudicate upon any such prosecution or proceeding shall, for the purposes of the said prosecution or proceeding, have jurisdiction to try and determine any such question of title :

Provided that the judgment or decision of such court or officer on any such question shall not be received as evidence of title or pleaded in bar in any civil suit or proceeding or in any proceeding under the Land Settlement Ordinance, in which the title to the land in question may be put in issue.

And in the event of judgment being entered in any suit or proceeding instituted against the Crown decreeing the title to any land reserved under this Ordinance or under any enactment repealed by Ordinance No. 16 of 1907 to be vested in the person instituting such suit or proceeding, such land shall cease to be reserved from the date of such decree.

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CHAPTER II

Of Reserved Forests

Order declaring forest reserved.

3. When the following events have occurred, namely :—

(*a*) when lands have been resumed by the Crown under the provisions of the Lands Resumption Ordinance ;

(*b*) when lands have been declared to be the property of the Crown by an order passed under "The Waste Lands Ordinances, 1897 to 1903"* or made under the Land Settlement Ordinance ;

(*c*) when any land has been acquired by the Crown for public purposes under the provisions of the Land Acquisition Ordinance, or the Land Acquisition Act, [§ 2, 49 of 1954.]

the Minister[1] may, by Order[1] to be published in the Gazette, declare all or any of such lands or any part or parts thereof to be a reserved forest, and such Order[1] shall specify the limits of the forest which it is intended to reserve, and declare the same to be reserved from a date fixed by such Order.[1] From the date so fixed such forest shall be deemed to be a reserved forest.

Section 16 of the Interpretation Ordinance shall not apply to the interpretation of this section.

Publication of Order in Sinhalese and Tamil.

4. (1) The Government Agent of the administrative district in which the forest so reserved is situate shall, before the date fixed by such Order,[1] cause a translation thereof in the language of the district to be published in the manner following, that is to say :—

By a notification in the Sinhalese and Tamil languages, which shall be published in every divisional revenue officer's division of the district in which any

* Repealed by Ordinance No. 20 of 1931.

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portion of the land comprised in the aforesaid Order[1] is situate, and in every town and village in the immediate neighbourhood of such land. Every such notification shall—

(*a*) specify as nearly as possible the situation and limits of the proposed forest;

(*b*) explain the consequences which will ensue on the reservation of such forest.

Power of Minister to declare forest no longer reserved.

(2) The Minister[1] may, by Order[1] published in the Gazette, direct that from a date fixed by such Order[1] any reserved forest or any portion thereof shall cease to be reserved. From the date so fixed such forest or portion of forest shall cease to be reserved.

Power of forest officer to stop ways and watercourses in reserved forest.

5. A forest officer duly empowered in that behalf may, from time to time, stop any public or private way or watercourse in a reserved forest:

Provided that for the way or watercourse so stopped another way or watercourse, which in the opinion of the Government Agent is equally convenient, already exists, or has been provided or constructed by such forest officer;

Provided further, that it shall be lawful for the Government Agent to determine the amount of compensation to be paid, in case he is of opinion that the substituted way or watercourse injuriously affects the interests of one or more individuals to whom on that account compensation should be paid.

Acts prohibited in such forests.

6. A person who in a reserved forest—

(*a*) trespasses, or permits cattle to trespass;

(*b*) causes any damage by negligence in felling any tree, or cutting or dragging any timber;

(*c*) wilfully strips off the bark or leaves from, or otherwise damages, any tree;

(*d*) poisons water; and

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(*e*) in contravention of any regulations made by the Minister,[1] pastures cattle, hunts, shoots, fishes, or sets traps or snares or guns, or constructs or uses ambushes, or uses any explosive substance,

shall be guilty of an offence, and be liable on conviction to a fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

Further prohibited acts.

7. Any person who—

(*a*) makes any fresh clearing in a reserved forest; or

(*b*) sets fire to a reserved forest, or in contravention of any regulations made by the Minister[1] kindles any fire, or leaves any fire burning in such manner as to endanger the reserved forest or any part thereof;

or who, in a reserved forest—

(*c*) kindles, keeps, or carries any fire except at such seasons and in such manner as a forest officer, specially empowered in this behalf, may from time to time notify;

(*d*) fells, girdles, lops, taps, or burns any tree;

(*e*) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest produce;

(*f*) clears or breaks up any land for cultivation or any other purpose;

(*g*) erects any building whether permanent or temporary, or occupies any building so erected; [§ 2, 30 of 1945.]

(*h*) constructs or uses any road constructed by him; or [§ 2, 30 of 1945.]

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[§ 2, 30 of 1945.]

(*i*) damages, alters, or removes any wall, ditch, embankment, fence, hedge, railing, or other boundary mark,

shall be guilty of an offence, and be liable on conviction to imprisonment for a term which may extend to six months, or to fine which may extend to five hundred rupees, or to both, in addition to such compensation for damage done to the forest as the convicting court may direct to be paid. Such compensation when awarded shall be treated in all respects as a fine, shall be recoverable as such, and shall not exceed the amount of fine which such court has power to impose.

Acts excepted from prohibition contained in sections 6 and 7.

8. (1) Nothing in section 6 or section 7 shall be deemed to prohibit any act done in accordance with any regulation made by the Minister[1] or with the permission in writing of a forest officer empowered to grant such permission.

(2) The Minister[1] may from time to time make and when made may revoke, vary, or amend regulations with regard to reserved forests or with regard to any particular reserved forest for any of the purposes mentioned in section 20 (1).

[§ 3, 30 of 1945.]

(3) The forest officer granting any permission required by the preceding provisions of this section or by any regulation made thereunder, may charge and recover a fee in respect of such permission according to such rates as may from time to time be prescribed by the Conservator of Forests with the sanction of the Minister.[1]

Power of Minister to suspend rights of pasture, &c., in certain cases.

9. Whenever fire is caused wilfully or by gross negligence in a reserved forest by any person having rights in such forest, or having permission to practise chena cultivation therein, or by any person in his employment, the Minister[1] may (notwithstanding that a penalty has been inflicted under section 7 in respect of such fire) direct that in such forest or any specified portion thereof the exercise of all or any of the rights

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of pasture or to forest produce shall be extinguished or suspended for such period as he thinks fit, and may withdraw any permission to practise chena cultivation in such forest or portion.

Forests reserved under former law.

10. Any forest which has been declared a reserved forest under any law in force previous to the commencement of this Ordinance shall be deemed to have been reserved hereunder; and all questions decided, orders issued, and records prepared in connexion with the reservation of such forest shall be deemed to have been decided, issued, and prepared hereunder, and all provisions of this Ordinance relating to reserved forests shall apply to such forest.

FORESTS LEASED BY THE GOVERNMENT

Application of Ordinance to leased forests.

11. It shall be lawful for the Minister,[1] by Order[1] published in the Gazette, at any time or from time to time to declare any of the provisions of this Ordinance, and of any regulations or rules made hereunder, to be applicable to forests leased to the Crown, and to bring such forests within the operation of such provisions, regulations, or rules, and any such Order[1] to revoke, alter, or amend.

CHAPTER III

Of Village Forests

Constitution of village forests.

12. The Minister[1] may, by Order[1] published in the Gazette, constitute any portion of forest a village forest for the benefit of any village community or group of village communities, and may in like manner vary or cancel any such Order.[1] Every such Order[1] shall specify the limits of such village forest.

Trees in Schedule I in a village forest the property of the Crown.

13. All trees enumerated in Schedule I in a village forest shall be deemed to be the property of the Crown.

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Acts prohibited in village forest.

14. (1) No person shall in a village forest—

(*a*) poison water, or injure by fire or otherwise any tree enumerated in Schedule I, or

(*b*) in contravention of any regulation made by the Minister[1] under subsection (2), pasture cattle, or cut, mark, lop, girdle, saw, convert, or remove any tree enumerated in Schedule I.

(2) The Minister[1] may by regulation prescribe the officers who shall be authorized to grant permission to any person in a village forest to do any act mentioned in paragraph (*b*) of subsection (1), and the circumstances in which and the conditions subject to which such permission may be granted by such officers or any such act may be done.

Power of Minister to make regulations for village forests.

15. The Minister[1] may make regulations for the management of village forests, prescribing the conditions under which the community or group of communities for the benefit of which any such forest is constituted may be provided with timber or other forest produce or with pasture, and their duties in respect of the protection and improvement of such forest. The Minister[1] may, by such regulations, declare any of the provisions of Chapter II of this Ordinance to be applicable to village forests.

Saving of private rights.

16. Nothing in this Chapter shall be deemed to affect any existing rights of any person in or over any village forest.

Penalty for breach of sections 14 and 15.

17. Every person who shall act in contravention of the provisions of section 14 or of any regulation made thereunder, and every person who commits a breach of any of the regulations made under section 15, shall be guilty of an offence punishable by a fine not exceeding one hundred rupees or by imprisonment which may extend to six months.

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CHAPTER IV

Of The Protection Of Forest And Forest Produce

Reserved trees.

18. (1) All trees of the several species specified in Schedule II standing in any forest shall be deemed to be reserved trees.

(2) The Minister [1] may by notification in the Gazette add any species to or delete any species from the said Schedule.

Protection of reserved trees.

19. No person shall, or shall cause any other person to, cut, mark, lop, girdle, tap, or injure, by fire or otherwise, any reserved tree in any forest, except as provided by rules made by the Minister [1] in this behalf, or unless with the permission in writing of a forest officer empowered by the Minister [1] to grant such permission.

Power to make rules generally.

20. (1) No person shall clear, set fire to, or break up the soil of, or make use of the pasturage or of the forest produce of, any forest not included in a reserved or village forest, except in accordance with rules to be made by the Minister.[1] Such rules may, with respect to such forests or with respect to any particular forest—

(*a*) regulate or prohibit the cutting of or setting fire to chenas, or the issue of grants or leases by the Crown with respect to land on which trees enumerated in Schedule II are growing ;

(*b*) regulate or prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires ;

(*c*) regulate or prohibit the cutting, sawing, conversion, and removal of trees and timber, and the collection and removal of forest produce ;

(*d*) regulate or prohibit the building of houses or huts, the quarrying of stone or coral, or the digging for plumbago or gems, or the burning of lime or charcoal ;

(*e*) regulate or prohibit the cutting of grass and the pasturing of cattle, and regulate the payments (if any) to be made for such cutting or pasturing ;

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(*f*) regulate or prohibit hunting, shooting, fishing, poisoning water, and setting traps or snares or guns, constructing or using ambushes, or the use of explosives ;

(*g*) regulate the sale or free grant of timber or other forest produce ; and

(*h*) prescribe, or authorize any forest officer to prescribe, subject to the sanction of the Minister,[1] the fees, royalties, or other payments for such timber or other forest produce, and the manner in which such fees, royalties, or other payments shall be levied, whether in transit, or partly in transit, or otherwise.

Nothing in this section shall be deemed to affect any existing rights of any person in or over pasturage.

(2) The Minister[1] may, by notification in the Gazette from time to time, exempt any person or class of persons or any local area the limits of which shall be defined in such notification, from the operation of any such rule, and may from time to time cancel any such exemption.

Penalties.

21. The breach of any of the provisions of, or rules made under, this Chapter shall constitute an offence punishable by a fine not exceeding one hundred rupees, or by imprisonment which may extend to six months.

Exemptions.

22. No act shall be deemed to be an infringement of any rule made under this Chapter, if done with the permission in writing of the forest officer duly authorized in that behalf.

Protection from conviction in certain forest cases.

23. No person shall be deemed to have committed an offence in respect of clearing or cutting or setting fire to, or breaking up the soil of, any chena in any case in which the forest in respect of which the prosecution has been instituted has not been declared under the

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Land Settlement Ordinance or any enactment repealed by Ordinance No. 20 of 1931 to be the property of the Crown, if—

(*a*) the complainant fails to prove that the trees in the said forest are of more than twenty years growth, and

(*b*) the accused satisfies the court that he claims the said forest by inheritance or upon deed based upon inheritance and that he or his predecessors in title have on at least two occasions cultivated it according to the customary cycle of cultivation after intervals of several years for similar lands in the same locality.

CHAPTER V

Of The Control Of Timber And Forest Produce In Transit

Power of Minister to make regulations.

24. (1) The Minister[1] may make regulations respecting the transit of all forest produce by land or water. Such regulations may, among other matters—

(*a*) prescribe the places at and the routes by which alone forest produce may be exported from, or removed within, Ceylon ;

(*b*) prohibit the import, export, collection, or removing, from any specified local area, of timber without a pass from the landholder from whose land it was brought, or from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass ;

(*c*) prescribe the form of passes, and provide for their issue, production, and return ;

(*d*) fix the fees payable for passes for the forest produce and timber when cut on land the property of the Crown ;

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(*e*) in the case of timber formed into a raft or fastened to the shore, prohibit the loosening or the setting adrift of such timber by any person not the owner thereof, or not acting on behalf of such owner or of the Crown ;

(*f*) provide for the stoppage, reporting, examination, and marking of forest produce in transit, in respect of which there is reason to believe that any money is payable to the Crown, or to which it is desirable, for the purposes of this Ordinance, to affix a mark ;

(*g*) establish, or authorize any forest officer to establish, subject to the control of the Minister,[1] stations to which such forest produce shall be taken by those in charge of it for examination, or for the realization of such money, or in order that such mark may be affixed to it ; and the conditions under which such forest produce shall be brought to, stored at, and removed from such station ;

(*h*) provide for the management and control of such stations, and for regulating the appointment and duties of persons employed thereat ;

(*i*) authorize the transport of timber the property of the Crown across any land, and regulate the compensation to be paid for any damage done by the transport of such timber ;

(*j*) prohibit the closing up or obstruction of the channel or banks of any river, lagoon, or backwater used for the transit of timber or other forest produce, and the throwing of grass, brushwood, branches, and leaves into any such river, lagoon, or backwater, or any other act which tends to cause the obstruction of such channel ;

(*k*) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river, lagoon, or backwater, and for recovering the cost of such prevention or removal from the person, or by the sale of any timber or other forest produce causing such obstruction ;

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(*l*) prohibit absolutely, or subject to conditions within specified local limits, the establishment of sawmills, sawpits, the converting, cutting, burning, concealing, marking, or supermarking of timber, the altering, defacing, or effacing of any marks on the same, and possession or carrying of marking hammers or other implements used for marking timber ;

(*m*) regulate the use of property marks for timber, and the registration of such marks ; declare the circumstances in which the registration of any property marks may be refused or cancelled ; prescribe the time for which such registration shall hold good ; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration ;

(*n*) provide for the protection of bridges, locks, or other public works by regulating the floating of timber or forest produce and the storing of timber or forest produce on river banks, and by authorizing the seizure of timber or forest produce floated or stored in contravention of any rule for the time being in force in that behalf, or by which any damage to such works may have been caused, and the detention and disposal of such timber or forest produce until compensation has been made for the damage done ;

(*o*) provide for the issue of licences, for the use and possession of marking hammers, and for the levy of fees for such licences.

The Minister[1] may direct that any regulation made under this section shall not apply to any specified class of timber or other forest produce or to any specified local area.

(2) In this section the terms "forest produce" and "timber" shall, unless the context otherwise requires, include timber cut in any land or property, whether the property of the Crown or any private individual.

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Penalties.

25. The breach of any of the provisions of, or regulations made under, this Chapter shall constitute an offence punishable, except as hereinafter provided, by a fine not exceeding one hundred rupees, or by imprisonment which may extend to six months :

Provided that any such regulation may, within the above limits, prescribe any punishment, or maximum or minimum punishment, for the breach of all or any of the provisions thereof ;

Provided further, that offences under this Chapter shall be punishable by a fine not exceeding two hundred rupees, or by imprisonment which may extend to one year in cases where the offences are committed after sunset and before sunrise, or after the offender shall have made preparations for resistance to lawful authority, or if the offender has been previously convicted of any offence under this Ordinance.

Power of Government Agent to order a definition of boundaries in certain cases.

26. The Government Agent, in case there is reasonable ground for supposing that any timber for the removal of which a permit is desired has been felled on land which is not private property, may require the person claiming to be the owner of the land on which the timber has been felled to mark or renew the boundaries of the said land in manner provided by the proviso to section 8 of the Definition of Boundaries Ordinance ; and the issue of any pass to remove the timber may be deferred until such requisition has been complied with to the satisfaction of the Government Agent, unless the claimant shall give security to the satisfaction of the forest officer in an amount equal to the value of such timber.

Power of forest officer, &c., to examine timber in transit.

27. The forest officer or any other officer thereto authorized shall have power to stop and examine any timber during transit, and to detain it, if it is in his opinion being removed contrary to the provisions of this Ordinance, and deal with it as provided in Chapter VII.

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Power of forest officer, &c., to enter private depot.

28. Such forest officer or other officer shall also have power to enter any private depot or timber yard and to inspect the timber therein lying, and to collect and remove all unstamped or unmarked unsawn logs as provided in Chapter VI.

All persons bound to aid in case of accident at any place where timber is detained or kept by any forest officer.

29. In case of any accident or emergency involving danger to any property at any place where timber is detained or kept by any forest officer for the purposes of this Ordinance, every person employed at such place, whether by the Crown or by any private person, shall render assistance to any forest officer or police officer demanding his aid, in averting such danger and securing such property from damage or loss.

CHAPTER VI

Of The Collection Of Drift, Stranded, And Other Timber

Certain kinds of timber to be deemed property of the Crown until title thereto proved.

30. (1) (*a*) All unclaimed timber found adrift, beached, stranded, or sunk;

(*b*) all timber bearing marks which have not been registered under regulations made under section 24;

(*c*) all timber which has been supermarked, or on which the marks have been obliterated, altered, or defaced by fire or otherwise; and

(*d*) in such areas as the Minister[1] directs, all unmarked or unstamped timber,

shall be deemed to be the property of the Crown, unless and until any person establishes his right thereto as provided in this Chapter.

Power of forest officers to collect the same.

(2) Such timber may be collected by any forest officer or other person authorized to collect the same, and may be brought to such stations as a forest officer empowered in this behalf may from time to time notify as stations for reception of drift timber.

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(3) The Minister[1] may, by notification in the Gazette, exempt any class of timber from the provisions of this section, and withdraw such exemption.

Publication of notice as to, and claims to, timber collected under section 30.

31. Public notice shall from time to time, as occasion may require, be given by a forest officer empowered in this behalf of timber collected under section 30. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than one month from the date on which such notice is given, a written statement of such claim.

Procedure on claim preferred to such timber.

32. (1) When any such statement is presented as aforesaid, the forest officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the forest officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the civil court and retain the timber pending the receipt of an order from such court for its disposal.

On rejection of claim to such timber claimant may institute suit.

33. (1) Any person whose claim has been rejected under section 32 may, within one month from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation against the Crown or against any forest officer on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(2) No such timber shall be subject to process of any civil court until it has been delivered, or a suit brought under this section has been decided.

Disposal of unclaimed timber.

34. If no statement is presented in the manner and within the period prescribed by the notice issued under section 31, or, where such statement having been so presented and the claim having been rejected, the

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claimant omits to institute a suit to recover possession of such timber within the further period mentioned in section 33, the ownership of such timber shall vest in the Crown free from all encumbrances ; or, when such timber has been delivered to another person under section 33, in such other person, free from all encumbrances not created by him.

Payments to be made by claimant before timber is delivered to him.

35. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the forest officer, or other person entitled to receive it, such sum on account thereof as may be due for collecting, moving, storing, and disposing of the same.

Power of Minister to make regulations and prescribe penalties.

36. (1) The Minister [1] may make regulations respecting the following matters, namely :—

(*a*) the collection and disposal of all timber mentioned in section 30 ;

(*b*) the amount to be paid for salving, collecting, moving, storing, and disposing of such timber ; and

(*c*) the use and registration of branding irons and other instruments to be used for marking such timber.

(2) The breach of any of the provisions of, or regulations made under, this Chapter shall constitute an offence punishable by a fine not exceeding one hundred rupees, or by imprisonment which may extend to six months.

CHAPTER VII

Penalties And Procedure

Seizure of property liable to confiscation.
[§ 4, 30 of 1945.]

37. When there is reason to believe that a forest offence has been committed in respect of any timber or forest produce, such timber or produce, together with all tools, boats, carts, cattle, and motor vehicles used in committing any such offence, may be seized by any forest officer or police officer.

M. 46——J. N. R 7598 (4/60)

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Procedure on seizure.

38. Every officer seizing any property under section 37 shall place on such property, or the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of the circumstances to the Government Agent:

Provided that when the timber or forest produce with respect to which such offence is believed to have been committed is the property of the Crown and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

As to the proceedings of the Magistrate.

39. Upon the receipt of any such report the Government Agent shall forthwith forward the same to the Magistrate having jurisdiction to try the offence, and such Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Power of court to confiscate timber, forest produce, &c.
[§ 4, 30 of 1945.]

40. When any person is convicted of a forest offence, all timber or forest produce which is not the property of the Crown in respect of which such offence has been committed, and all tools, boats, carts, cattle, and motor vehicles used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation. Such confiscation may be in addition to any other punishment prescribed for such offence.

Disposal, on conclusion of trial for forest offence, of produce in respect of which it was committed.

41. When the trial of any forest offence is concluded, any timber or forest produce in respect of which such offence has been committed shall, if it is the property of the Crown or has been confiscated, be taken possession of by a forest officer empowered in this behalf; and in any other case may be disposed of in such manner as the court may order.

Disposal of perishable property.

42. The Government Agent may, notwithstanding anything herein before contained, direct the sale of any property seized under section 37 and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it had not been sold:

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Provided that if the claimant shall give security to the satisfaction of the Government Agent equal to the value of such property, the Government Agent shall forthwith release the seizure and allow such property to be removed by the claimant.

Appeal from orders.

43. Any person claiming to be interested in property seized under section 37 may, within thirty days from the date of any order passed under section 40 or 41, present an appeal therefrom to the Supreme Court, and such court shall deal with the case in the same way as if it were an appeal from a Magistrate's Court in its ordinary jurisdiction.

Property when vested in the Crown.

44. When an order for the confiscation of any property has been passed under section 40, and the period limited by section 43 for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when, on such an appeal being presented, the Supreme Court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the Crown free from all encumbrances.

Power of Minister to order release of seizure.

45. Nothing herein before contained shall be deemed to prevent any officer empowered in this behalf by the Minister [1] from directing at any time the immediate release of any property seized under section 37, and the withdrawal of any charge made in respect of such property.

Penalty for wrongful seizure.

46. (1) Any forest officer or police officer who vexatiously and unnecessarily seizes any property, on pretence of seizing property liable to confiscation under this Ordinance, shall be liable on conviction to imprisonment for a term which may extend to six months, or to fine which may extend to one hundred rupees, or to both.

(2) Any fine so imposed, or any portion thereof, shall, if the convicting Magistrate so direct, be given as compensation to the person aggrieved by such seizure.

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Penalty for counterfeiting or defacing marks on trees and timber, and for altering boundary marks.

47. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Penal Code—

(*a*) knowingly counterfeits upon any timber or standing tree, or has in his possession any implement for counterfeiting, a mark used by forest officers to indicate that such timber or tree is the property of the Crown or of some person, or that it may lawfully be cut or removed by some person ; or

(*b*) unlawfully affixes to any timber or standing tree a mark used by forest officers ; or

(*c*) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a forest officer ; or

(*d*) alters, moves, destroys, or defaces any boundary mark of any forest to which any provisions of this Ordinance apply,

shall be liable on conviction to imprisonment for a term which may extend to two years, or to fine, or to both.

Power of forest officer, &c., to arrest without warrant.

48. (1) Any forest officer or police officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested to the nearest police station, or, if there is no police station in the division, before the divisional revenue officer of the division, together with a statement showing the offence with which the accused is charged. The officer in charge of the police station or

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the divisional revenue officer shall, without unnecessary delay, take or send the person arrested to the nearest Magistrate.

Power of forest officer to prevent commission of offence.

49. Every forest officer and police officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest offence.

Operation of other laws not barred.

50. Nothing in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest offence, or from being liable under such other law to any higher punishment or penalty than that provided by this Ordinance or the regulations or rules made hereunder :

Provided that no person shall be punished twice for the same offence.

Power to forest officer to compound offences.

51. (1) Any forest officer empowered by the Minister [1] in this behalf may accept from any person reasonably suspected of having committed any forest offence other than an offence under section 46 or section 47 a sum of money by way of compensation for the offence which may have been committed ; and where any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

Presumption that timber or forest produce belongs to Crown.

52. When in any proceedings taken under this Ordinance, or in consequence of anything done under this Ordinance, a question arises as to whether any timber or forest produce is the property of the Crown, such timber or produce shall be presumed to be the property of the Crown until the contrary is proved.

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Offences to be triable summarily.

53. Any forest offence other than an offence under section 47 shall be triable by a Magistrate's Court :

Provided that in the case of any such offence a Magistrate who is also a District Judge shall have power to inflict the full penalty prescribed for the offence, notwithstanding any limitation of his ordinary jurisdiction contained in the Criminal Procedure Code ;

Provided further, that a Magistrate, in any case in which he thinks such a course expedient, may order that the proceedings shall be non-summary, and in any such case he shall proceed under Chapter XVI of the Criminal Procedure Code, and the District Court shall have jurisdiction to try the offence.

CHAPTER VIII

Cattle Trespass

Power of forest officer, &c., to seize trespassing cattle

54. Cattle trespassing on a forest plantation under the control and management of forest officers may be seized and impounded by any forest officer or police officer.

Power of Minister to levy fines.

55. The Minister[1] may, by notification in the Gazette, direct that there shall be levied for each head of cattle impounded under section 54 of this Ordinance such fines as he thinks fit, but not exceeding the following, that is to say :—

	Rs.	c
(*a*) For each elephant or buffalo ..	10	0
(*b*) For each calf, ass, pig, sheep, lamb, goat, or kid	2	50
(*c*) For every head of cattle other than the above	5	0

Procedure if fine not paid.

56. If the amount of the fine be not paid within seven days from the time of impounding of any such head of cattle, together with the costs of its agistment, it shall be lawful for the forest officer to sell such head

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of cattle by public auction, and after deducting from the proceeds of such sale the amount of the fine, the costs of the agistment, and of such sale, such forest officer shall pay the surplus (if any) to the owner of the cattle.

Power to shoot cattle on forest plantation

57. If it shall be shown to the satisfaction of any Government Agent that cattle are in the habit of trespassing on any forest plantation situated wholly or in part within his district and cannot be seized, it shall be lawful for him to authorize, by licence in writing under his hand, some fit person or persons to proceed to such plantation, and if after reasonable exertion such person shall find it impracticable to seize such animals, to shoot or otherwise destroy the same, or cause the same to be shot or otherwise destroyed in his presence, and this notwithstanding that in the endeavour to seize such animals they may have been driven off such plantation :

Provided that such licence shall not be subject to any stamp duty, and shall not be in force for more than one month from the date thereof.

CHAPTER IX

Of Forest Officers

Appointment of Conservator of Forests, &c.

58. There may be appointed from time to time [3] a Conservator of Forests and such forest officers as are required for the purposes of this Ordinance. [1]

Power of Minister to invest forest officer with certain powers.

59. (1) The Minister [1] may invest any forest officer by name or as holding an office with the following powers, that is to say :—

(*a*) the powers of a commission appointed under the provisions of the Commissions of Inquiry Act to compel the attendance of witnesses and the production of documents ;

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(*b*) power to issue search warrants under the Criminal Procedure Code ;

(*c*) power to hold inquiries into forest offences, and in the course of such inquiries to receive and record evidence ;

(*d*) power to notify seasons and manner in which fire may be kindled, kept, or carried in a reserved forest ;

(*e*) power to grant any permission referred to in sections 8, 13, 19, 24, 30, or 69 ;

(*f*) power to give public notice of timber collected under section 30 ;

(*g*) power to take possession of property under this Ordinance ;

(*h*) power to direct the release of property or withdrawal of charges ;

(*i*) power to accept compensation for forest offences,

and the Minister[1] may withdraw any powers so conferred by him.

(2) Any evidence recorded under paragraph (*c*) of subsection (1) shall be admissible in any subsequent trial before a Magistrate of the alleged offender :

Provided that it has been taken in the presence of the accused person, and recorded in the manner provided by law.

Forest officers deemed public servants.

60. All forest officers shall be deemed to be public servants within the meaning of the Penal Code.

Indemnity for acts done in good faith.

61. No suit or criminal prosecution shall lie against any public servant for anything done in good faith or omitted by him in good faith under this Ordinance.

Forest officers not to trade.

62. Except with the permission in writing of the Minister[1] no forest officer shall, as principal or agent, trade in timber or forest produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest.

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63. The Minister[1] may, by notification in the Gazette, declare any reserved forest to be solely under the control of the Conservator of Forests, subject to such restrictions as the Minister[1] may from time to time think fit to impose.

Control of forest may be delegated to Conservator.

CHAPTER X

Miscellaneous

64. The Minister[1] may make regulations consistent with this Ordinance—

Additional powers to make regulations.

(*a*) to declare by what forest officer or class of forest officers the powers or duties conferred or imposed by or under this Ordinance on a forest officer shall be exercised or performed;

(*b*) to establish and regulate a Forest Department fund; [§ 2, 34 of 1951.]

(*c*) to provide for the payment into such fund of the whole or part of sums received in composition of offences under this Ordinance and of awards made under the Informers Rewards Ordinance to informers in cases of such offences, and for the payment out of the fund, subject to such conditions as may be specified in the regulations, of rewards to informers and forest officers and of travelling expenses properly incurred by witnesses in attending court for the purpose of giving evidence at trials under this Ordinance; [§ 2, 34 of 1951.]

(*d*) generally to carry out the provisions of this Ordinance.

65. All regulations or rules made or approved by the Minister[1] under this Ordinance shall be published in the Gazette, and shall thereupon have the force of law.

Regulations when to have force of law.

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Powers of Minister exercisable from time to time.

66. All powers conferred by this Ordinance on the Minister[1] may be exercised from time to time as occasion requires.

Persons bound to assist forest officer and police officer.

67. Every person who exercises any right in a reserved forest or a village forest, or who is permitted to take any forest produce from or to cut and remove timber, or to pasture cattle, or to carry on chena cultivation in, such forest, and

(i) every person who is employed by any such person in such forest ; and

(ii) every person in any village contiguous to such forest who is employed by the Crown, or who receives emoluments from the Crown for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest forest officer, police officer, or headman any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention to commit, any forest offence ; and shall assist any forest officer, police officer or headman demanding his aid—

(*a*) in extinguishing any fire occurring in such forest ;

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest ;

(*c*) in preventing the commission in such forest of any forest offence ; and

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

Recovery of money due to the Crown.

68. All money other than fines, payable to the Crown under this Ordinance, or under any regulation or rule made hereunder, or on account of the price of any timber or forest produce, or of expenses incurred in

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the execution of this Ordinance in respect of timber or forest produce, shall, if not paid when due, become a debt due to the Crown and be recovered under the provisions contained in sections 72, 73, 74, 75, or 76 of this Ordinance.

Lien on forest produce for such money.

69. (1) When any such money is payable for, or in respect of, any forest produce, the amount thereof shall be deemed to be a first charge on such produce ; and such produce may be taken possession of by a forest officer empowered by the Minister[1] in this behalf, and may be retained by him until such amount has been paid.

Power to sell such produce.

(2) If such amount is not paid when due, such forest officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount. The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to the Crown.

The Crown not liable for loss or damage in respect of certain timber.

70. The Crown shall not be responsible for any loss or damage which may occur in respect of any timber while at a station established under a regulation made under section 24, or while detained elsewhere for the purposes of this Ordinance, or in respect of any timber collected under section 30 ; and no forest officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously, or fraudulently.

Property seized may be sold.

71. It shall be lawful for the Government Agent or forest officer to sell by public auction any forest produce or property seized under the provisions of this Ordinance, and except where express provision for the application of the proceeds of sale has been made in this Ordinance or any other enactment, the proceeds of such sale shall be paid into the kachcheri and form part of the public revenue of Ceylon.

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Property of Crown debtors under section 68 may be sold.

72. It shall be lawful for the Government Agent to seize any property whatsoever belonging to the person by whom any debt is due to the Crown, under the provisions of section 68 of this Ordinance, wheresoever the same may be found within the administrative district of such Government Agent, and if the amount due in respect of such debt and the costs and charges of seizure be not sooner paid or tendered, to sell the property so seized by public auction at any time not less than ten or more than thirty days from the time of such seizure.

Overplus to be restored to owner.

73. In the event of a sale of property seized, the Government Agent at whose instance such seizure was made shall, after deducting the amount due by the debtor and also the costs and charges attending the seizure and sale (which said costs and charges such Government Agent is hereby authorized to retain), restore the overplus arising from such sale, if any there be, to the owner of the property sold.

Certificate of sale of immovable property.

74. If land or other immovable property be sold under the provisions of this Ordinance, a certificate substantially in the form given in Schedule III, signed by the Government Agent, shall vest such property absolutely in the purchaser free from all encumbrances. Such certificate shall be liable to the stamp duty for the time being fixed on conveyances of immovable property and to registration fees, such duty and charges being payable by the purchaser.

Certificate of sale in case of purchase by Crown.

75. If the land so sold be purchased by the Government Agent, who is hereby authorized to bid for and purchase the same on behalf of the Crown, a certificate substantially in the form given in Schedule IV, signed by the Government Agent, shall vest the property absolutely in the Crown free from all encumbrances :

Provided that such certificate shall not be liable to stamp duty or other fees.

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Crown may take credit for amount due from defaulter.

76. Whenever the Crown purchases any land under the provisions of section 75, the Crown shall not be required to pay the whole of the purchase money of such land but shall be entitled to take credit for the amount due from the defaulter under this Ordinance :

Provided that in the event of the land sold realizing a less sum than the amount due, nothing herein contained shall preclude the Crown from instituting any civil action or process against the defaulter for the recovery of the balance due by him after deducting the purchase money realized by the sale of the land.

Regulations and rules to be laid before Senate and House of Representatives.

77. All regulations and rules under this Ordinance made and approved by the Minister,[1] shall be laid before the Senate and the House of Representatives[1] within one month if Parliament is in session and if not in session within one month[1] of the commencement of the session next after the making of such regulations or approval of such rules, and shall cease to have any force or effect if disapproved by the Senate or the House of Representatives[1] within two months of being so laid on the table.

Interpretation.

78. In this Ordinance, and in all rules made hereunder, unless there is something repugnant in the subject or context—

" cattle " includes elephants, buffaloes, horses, ponies, mules, asses, pigs, sheep, goats, and the young of the same ;

" classification mark " means a mark placed on timber to denote its origin, or the agency by which it has been handled, or the value class to which it has been accorded ;

" forest " means all land at the disposal of the Crown ;

" forest offence " means an offence punishable under this Ordinance or any regulation or rule made hereunder ;

" forest officer " means all persons appointed by name or as holding an office[8] to be Conservators, deputy conservators, assistant conservators, foresters, forest rangers, forest guards, or

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forest watchers, or to discharge any function of a forest officer under this Ordinance or any regulation or rule made hereunder ;

" forest plantation " means any plantation made in any forest ;

" forest produce " includes the following things when found in or brought from a forest, that is to say :—

(*a*) trees and leaves, flowers and fruits, seeds, roots, juice, timber, charcoal, caoutchouc, catechu, wood oil, resin, natural varnish, bark, lac, gum, and myrabolans,

(*b*) plants not being trees, including grass, creepers, reeds, and moss, and all parts or produce of such plants,

(*c*) tusks, horns, shed horns, and edible birds' nests,

(*d*) peat, surface soil, rocks, and minerals, including limestone, laterite, bitumen, bituminous shale, asphalt, mineral oils, and all products of mines or quarries ;

" Government Agent " means the Government Agent of the administrative district ;

" headmen " means all persons holding appointments as territorial headmen,[s] excepting headmen appointed for irrigation purposes or for the purposes of the Village Communities Ordinance ;

" imprisonment " means either rigorous or simple imprisonment as the court adjudging the same may impose ;

" land at the disposal of the Crown " includes—

(*a*) all forest, waste, chena, uncultivated, or unoccupied land, unless proof is adduced to the satisfaction of the court that some person—

(i) has acquired, by some lawful means, a valid title thereto, or

(ii) has acquired a right thereto as against the Crown by the issue to him of any certificate of no claim by the Crown under the Crown Lands Encroachments Ordinance or the Definition of Boundaries Ordinance, or

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(iii) is entitled to possess the same under a written grant or lease made by or on behalf of the British, Dutch, or Ceylon Governments, and duly registered in accordance with law ;

(*b*) all lands resumed by the Crown under the provisions of the Lands Resumption Ordinance, and all lands which have been declared to be the property of the Crown by any order passed under "The Waste Lands Ordinances, 1897 to 1903",* the Land Settlement Ordinance, or to which the Crown is otherwise lawfully entitled ;

"police officer" includes police headmen, police vidanes, and constables ;

"property mark" means a mark placed on timber to denote that after all purchase money or royalties due to the Crown shall have been paid the owner of the mark has or will have a right of property in such timber ;

"reserved forest" means and includes—

(*a*) a forest and every part of a forest declared to be a reserved forest under the provisions of section 3 of this Ordinance, or the corresponding provisions in any enactment repealed by Ordinance No. 16 of 1907, or in any enactment to be hereafter enacted for the purpose of defining reserved forest,

(*b*) plantations, forest depots, and chenas planted with forest trees ;

"river" includes streams, canals, creeks, reservoirs, tanks, lakes, ponds, and other channels, natural or artificial ;

"timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not ;

"tree" includes bamboos, stumps, and brushwood, palms, canes, and trees in all stages of their growth.

* Repealed by Ordinance No. 20 of 1931.

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[Section 13.]

SCHEDULE I

Sinhalese Name	Tamil Name	Botanical Name
Buruta(Satinwood)	Mutirai ..	Chloroxylon Swietenia, *DC.*
Del, Bedi-del ..	Asinippila or Angilimaram ..	Artocarpus nobilis, *Thw.*
Dun ..	Koongiliyamaram ..	Doona zeylanica and Gardneri
Halmilla (Trincomalee wood) ..	Chavandalai ..	Berrya Cordifolia, *Burret.*
Hulanhik (Chitagong wood) ..	Aglai or Kaloti ..	Chuckrassia velutina *W. et A.*
Kalumediriya (Calamander) ..	Pukarunkali ..	Diospyros quæsita, *Thw.* and D. oppositifolia, *Thw.*
Kaluwara (Ebony)	Karunkali ..	Diospyros Ebenum, *Koen.*
Kina (of the hill country) ..	— ..	Calophyllum Walkerii, *Wight.*
Kina (of the low-country) ..	— ..	Calophvllum tomentosum, *Wight.*
Kos (Jak) ..	Pila	Artocarpus integrifolia, *L.*
Kumbuk ..	Marutu ..	Terminalia arjuna *W. et A.*
Lunumidella ..	Malaivempu ..	Melia composita, *Willd.*
Mendora ..	— ..	Vatica chinensis, *Linn.*
Mi	Iluppai ..	Madhuca Longifolia, *Macbr.*
Milla	Kaddamanakku or Mayilai ..	Vitex Pinnata, *Linn.*
Na (Ironwood) ..	Naka	Mesua ferrea, *L.*
Nedun ..	— ..	Pericopsis Mooniana, *Thw.*
Palu	Palai	Manilkara hexandra, *Dubard.*
Sapu, Hapu, Ginihapu ..	Chanpakam ..	Michelia Champaca, *Linn.*
Suriyamara, Hurimara ..	Ponnaimurankai ..	Albizzia odoratissima, *Benth.*
Tammana ..	Tampanai ..	Mischodon zeylanicus, *Thw.*
Tekka (Teak) ..	Tekku	Tectona grandis, *L.*
Walsapu or Walburuta ..	— ..	Michelia nilagirica, *Zenk.*
Wewarana ..	Ranai or Yavaranai	Alseodaphne semecarpifolia, *Nees.*

[Section 18.]

SCHEDULE II

Sinhalese Name	Tamil Name	Botanical Name
Buruta(Satinwood)	Mutirai ..	Chloroxylon Swietenia, *DC.*
Del, Bedi-del ..	Asinippila or Angilimaram ..	Artocarpus nobilis, *Thw.*
Dun (of moist districts) ..	Koongiliyamaram ..	Doona zeylanica, *Thw.*
Dummala Dun (of dry districts) ..	Tumpalai ..	Vatica obscura, *Trim.*
Gammalu ..	Venkai ..	Pterocarpus marsupium, *Roxb.*

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Sinhalese Name	Tamil Name	Botanical Name
Hal	Pinai ..	Vateria copallifera, *Retz.*
Halmilla (Trincomalee wood) ..	Chavandalai ..	Berrya Cordifolia, *Burret.*
Hora (Ceylon gurjan) ..	— ..	Dipterocarpus zeylanicus, *Thw.*
Hulanhik (Chitagong wood) ..	Aglai or Kaloti ..	Chuckrassia velutina, *W. et A.*
Kadumberiya ..	Vellai Karunkali ..	Diospyros Walkerii, *Guerke.*
Kalumediriya (Calamander) ..	Pukarunkali ..	Diospyros quæsita, *Thw.*, and D. oppositifolia, *Thw.*
Kaluwara (Ebony)	Karunkali ..	Diospyros Ebenum, *Koen.*
Kina (of low-country) ..	— ..	Calophyllum tomentosum, *Wight.*
Kina (of hill-country) ..	— ..	Calophyllum Walkerii, *Wight.*
Kohomba or Margosa ..	Vempu ..	Azadirachta indica, *Juss.*
Kos (Jak) ..	Pila ..	Artocarpus integrifolia, *L.*
Lunumidella ..	Malaivempu ..	Melia composita, *Willd.*
Mahogani ..	Mahogani ..	Swietenia macrophylla, *King.* and Swietenia mahogani, *Jacq.*, Dalbergio latifolia, *Roxb.*
Mendora ..	— ..	Vatica Chinensis, *Linn.*
Milla	Kaddamanakku or Mayilai ..	Vitex Pinnata, *Linn.*
Na (Ironwood) ..	Naka ..	Mesua ferrea, *L.*
Nedun ..	— ..	Pericopsis Mooniana, *Thw.*
Palu	Palai ..	Manilkara hexandra, *Dubard.*
Pibimbiya ..	Athalangi, or Chittiraivempu ..	Filicum decipiens, *Thw.*
Sapu, Hapu, Ginihapu ..	Chanpakam ..	Michelia Champaca, *Linn.*
Siyambala (Tamarind) ..	Puli ..	Tamarindus indica, *Linn.*
Sudu handun ..	Sandanam ..	Santalum album, *L.*
Suriyamara, Hurimara ..	Ponnaimurankai ..	Albizzia odoratissima, *Benth.*
Tal (Palmyra) ..	Panai ..	Borassus flabellifer
Tawenna ..	— ..	Palaquium rubiginosum, *Engl.*
Tekka (Teak) ..	Tekku ..	Tectona grandis, *L.*
Ubberiya ..	— ..	Carallia calycina, *Thw.*
Wa ..	Vakai ..	Cassia siamea, *Lam.*
Walsapu or Walburuta ..	— ..	Michelia nilagirica, *Zenk.*
Walukina ..	— ..	Calophyllum bracteatum, *Thw.*
Wana Mi ..	Malai Illuppai or Kaddiluppai ..	Madhuca fulva, *Macbr.*
Wewarana ..	Ranai or yavaranai	Alseodaphne Semecarpifolia, *Nees.*

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[Section 74.]

SCHEDULE III

Whereas the sum of Rs. ——— was due to the Crown under the provisions of the Forest Ordinance, from ———, of ———, which said sum has not been paid by the said ——— :

And whereas the land ———, being the property of the said ———, was seized in conformity with the said Ordinance, and sold also in conformity therewith on the ——— day of ———, and the same was purchased by ———, of ———, for the sum of Rs. ———, which has been duly paid by the said ——— :

Now know Ye that I, ———, Government Agent, by virtue and in exercise of the power vested in me in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property, with special accuracy as to boundaries*), has been sold to and purchased by the said ——— for the sum of Rs. ———, which he has duly paid, and that the said premises are and shall henceforward be vested in the said ———, his heirs, executors, administrators, and assigns, free of all encumbrances.

Given under my hand this ——— day of ———.

(*Signature*) ———,
Government Agent.

———

[Section 75.]

SCHEDULE IV

Whereas the sum of Rs. ——— was due to the Crown under the provisions of the Forest Ordinance, from ———, of ———, which said sum has not been paid by the said ——— :

And whereas the land ———, being the property of the said ———, was seized in conformity with the said Ordinance, and sold also in conformity therewith on the ——— day of ———, and the same was purchased by ———, Government Agent, for and on behalf of our Sovereign Lady the Queen, for the sum of Rs. ———, which has been credited to our said Lady the Queen in part satisfaction (*or* full, *as the case may be*) of the sum of Rs. ——— due to our said Lady the Queen :

Now know Ye that I, ———, Government Agent, by virtue and in exercise of the power vested in me in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property, with special accuracy as to boundaries*), has been sold to and purchased by the said ———, Government Agent, for and on behalf of our said Lady the Queen, for the sum of Rs. ———, which said sum has been duly credited to our said Lady the Queen as aforesaid, and that the said premises are and shall henceforward be vested in our said Lady the Queen, Her Heirs and Successors, free of all encumbrances.

Given under my hand this ——— day of ———.

(*Signature*) ———,
Government Agent.

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CHAPTER 452

FELLING OF TREES (CONTROL)

AN ACT TO PROVIDE FOR THE PROHIBITION, REGULATION OR CONTROL OF THE FELLING OF TREES.

Acts Nos. 9 of 1951, 30 of 1953.

[*15th March, 1951.*]

Short title.

1. This Act may be cited as the Felling of Trees (Control) Act.

Orders prohibiting or regulating the felling of trees.

2. (1) The Minister may by Order provide for the prohibition, regulation or control of the felling of trees of such description as may be specified in the Order.

(2) An Order under this section may be made so as to have effect either throughout Ceylon or in any particular area in Ceylon, and may prohibit the doing of anything regulated by the Order except under the authority of a licence granted by such officer as may be specified in the Order.

(3) Every Order made by the Minister under this section shall be published in the Gazette and shall come into operation upon the date of such publication or upon such later date as may be specified therein.

(4) Every Order made by the Minister under this section shall, as soon as practicable after it comes into operation as herein before provided, be laid before the Senate and the House of Representatives ; and if a resolution is passed by the Senate or the House of Representatives, within forty days after the Order is so laid, that the Order shall be annulled, the Order shall with effect from the date of the resolution be void, but without prejudice to anything previously done thereunder.

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Every Order which is not so annulled shall be as valid and effectual as though it were herein enacted.

Steps for identification of trees.
[§ 2, 30 of 1953.]

3. Any person authorized by the Director of Food Production may take such steps whether by marking or otherwise as may be necessary for the purpose of the identification of trees to which an Order under section 2 or any licence thereunder relates.

Penalty for contravention of Order.

4. Any person who acts in contravention of any Order made under this Act or of any condition inserted in any licence granted under any such Order shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

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CHAPTER 453

IRRIGATION

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO IRRIGATION.

Ordinance No. 32 of 1946, *Act* No. 1 of 1951.

[*1st November, 1946.*]

1. This Ordinance may be cited as the Irrigation Ordinance. Short title.

PART I

IRRIGATION RATES

2. (1) An irrigation rate under this Ordinance, with reference to any land to which it relates, is a charge in favour of the Crown imposed upon the land in respect of water supplied, or to be supplied to such land or in respect of the cost of or incidental to, the construction or maintenance of any major irrigation work benefiting or intending to benefit, such land, or of all or any of such matters in combination. Irrigation rates.

(2) Any charge referred to in subsection (1) may be imposed—

(*a*) by the instrument under which the land is granted, leased, held, or occupied at the time of such grant or lease, or the commencement of such tenancy or occupation ; or

(*b*) by express agreement between the Crown and the owner, lessee, tenant, or occupier of the land ; or

(*c*) by resolution of the majority of the proprietors of the irrigable area or tract in which the land is comprised, in pursuance of and subject to, the provisions of this Ordinance ; or

(*d*) by any other method by which under any special provision of this Ordinance an irrigation rate may be imposed.

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(3) Any charge referred to in subsection (1) may be either in perpetuity or for a limited period, or in the case of a lease, tenancy, or occupancy, for the term of such lease, tenancy, or occupancy, and may be either conditional or unconditional, and may be either for a fixed amount, or may be subject to estimate, measurement, or variation in accordance with the provisions of this Ordinance and the terms of the instrument, agreement, resolution, or order by which it is imposed.

(4) Every charge referred to in subsection (1) shall be binding on the land and every part thereof ; and such land and every part thereof, and the proprietors of such land and every part thereof, shall be liable for the payment of the said charge into whosesoever hands the ownership, possession, tenancy, or occupancy of such land or any part thereof under any circumstances may at any time pass, until such charge is extinguished, and notwithstanding anything to the contrary in any written law other than this Ordinance, such charge shall have priority over all mortgages, hypothecations, incumbrances, and charges whatsoever, whether antecedent in date or otherwise, affecting the land.

PART II

District Agricultural Committees

Constitution of district agricultural committees.

3. There shall be constituted in each administrative district a district agricultural committee which shall consist of a chairman, who shall be the Government Agent, and the holders of such other offices and the representatives of such interests as may be prescribed.

Duties of district agricultural committees.

4. It shall be the duty of a district agricultural committee to advise the Government Agent on all matters affecting or incidental to irrigation and paddy cultivation within the district, and on all other matters relating to agriculture, which the Government Agent may refer to the committee for advice.

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Regulations.

5. (1) Regulations may be made for or in respect of all or any of the following matters :—

(*a*) the period during which members of a district agricultural committee are to hold office ;

(*b*) the conduct of business by the committee ;

(*c*) the procedure to be followed at meetings of the committee ; and

(*d*) any other matter connected with or incidental to the matters specifically mentioned in this subsection.

(2) Subject to any regulations made under subsection (1), a district agricultural committee may regulate its own procedure.

ADVISORY COMMITTEES

Election of advisory committees.

6. (1) The Government Agent may, in his discretion, summon a meeting of the proprietors within any irrigable area or tract, or of the proprietors of *manawari* lands situated in any village area, to elect an advisory committee for the purpose of advising him upon matters connected with irrigation or paddy cultivation in such irrigable area, tract, or village area.

(2) In any case where owing to the extent of any irrigable area, or tract or village area, the Government Agent considers it inconvenient to summon all the proprietors within such irrigable area, tract or village area to one meeting under subsection (1), he may divide such irrigable area, tract, or village area, as the case may be, into divisions of convenient size and summon a meeting of the proprietors within each such division.

(3) Where more meetings than one are summoned under subsection (2) for any irrigable area, tract or village area, the Government Agent shall take steps to ensure that each division elects its proportion of the committee to make up the number for the entire irrigable area, tract or village area.

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Persons entitled to vote at meetings under section 6.

7. At every meeting summoned under section 6, every proprietor within the irrigable area, tract, village area, or division for which the meeting has been summoned shall be entitled to vote.

Members of advisory committees.

8. (1) Every advisory committee shall consist of the Government Agent, who shall be the chairman, the Director of Agriculture or a person nominated by him, the Director of Irrigation or a person nominated by him, and such number of persons, not being more than twelve nor less than three, as the Government Agent may in his discretion determine.

(2) Every member of an advisory committee, other than the Government Agent, the Director of Agriculture or the person nominated by him and the Director of Irrigation or the person nominated by him, shall be elected by a majority of the votes of the proprietors present at the meeting summoned under section 6 for the purpose, and shall hold office for a period of five years.

Filling of vacancies.

9. Where any member of an advisory committee dies or resigns his office or neglects or refuses to act, or is convicted of any offence which, in the opinion of the Government Agent, disqualifies such member for holding office, it shall be lawful for the Government Agent to appoint a new member in his stead, and such new member shall hold office for the unexpired portion of the term of office of the member in whose stead he was appointed.

Government Agent to consult advisory committee.

10. It shall be the duty of the Government Agent—

(*a*) to summon a meeting of the advisory committee of each irrigable area, tract or village area and consult such committee on matters connected with irrigation or cultivation in such irrigable area, tract or village area, three times at least in each year or at such intervals as may be fixed by rules made under Part III, and

(*b*) to cause full minutes to be made of the proceedings of all such meetings and to cause such minutes to be kept on record at the kachcheri.

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PART III

MEETINGS OF PROPRIETORS

Powers of proprietors within irrigable area or tract.

11. (1) At a meeting of the proprietors within any irrigable area or tract, a majority of the proprietors present at such meeting shall have power—

(*a*) to make rules for all or any of the following purposes :—

(i) the encouragement, extension, regulation, or management of paddy cultivation or any other form of cultivation which is capable of being benefited by an irrigation work; [§ 2, 1 of 1951.]

(ii) the enforcement of established customs affecting such cultivation ;

(iii) the regulation of the powers, duties, remuneration and duration of office of irrigation headmen ;

(iv) the regulation and assessment of the contributions of labour to be made by the proprietors for the purposes of works for the construction or maintenance of which the proprietors are, in whole or in part, responsible, and for the payment of money by way of commutation of the liability to make such contributions ; and

(v) the maintenance, conservation, protection or management of the works referred to in paragraph (iv) ;

(*b*) by resolution to approve of any scheme under Part V, or to impose or vary any irrigation rate in pursuance of any such scheme ;

(*c*) by resolution to amend or rescind any resolution passed or deemed to be passed under this Ordinance, or to correct any irregularity, informality or defect in any proceeding at any earlier meeting of the proprietors of that area or tract ; and

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(*d*) to decide upon or otherwise deal with any question arising in connexion with or in the operation of any scheme under this Ordinance, or any resolution passed at any meeting of proprietors under this Ordinance or under any previous Irrigation Ordinance, which may be referred to the proprietors by the Minister or the Government Agent.

(2) Rules made under this section may, if the majority of the proprietors so require, include rules making provision for the form of cultivation known as *betma* cultivation.

[§ 2, 1 of 1951.] (3) No rules shall be made under this section for any purpose for which regulations have been made under section 64.

Powers of proprietors of *manawari* lands.

12. At a meeting of the proprietors of *manawari* lands situated in any village area, a majority of the proprietors present at such meeting shall have power to make rules for all or any of the following purposes :—

(*a*) the regulation or management of such lands, and the conservation of rain water,

(*b*) the enforcement of established customs affecting the cultivation of such lands,

(*c*) the regulation of the powers, duties, remuneration and duration of office of irrigation headmen,

(*d*) the regulation and assessment of the contributions of labour to be made by the proprietors for the purposes of the cultivation of such lands, and for the payment of money by way of commutation of the liability to make such contributions of labour.

Power of Government Agent to make rules in certain cases.

13. Where, owing to the sparseness of the population or the inadequate attendance of the proprietors, no public meeting which in the opinion of the Government Agent is adequately representative of the proprietors

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within any irrigable area or tract, or of the proprietors of *manawari* lands within any village area, as the case may be, can be convened or held, the power to make rules accorded to a meeting of the proprietors by section 11 or section 12 may be exercised by the Government Agent in consultation with the district agricultural committee for all the purposes specified in those sections except the purposes specified in paragraph (*a*) (iv) of subsection (1) of section 11 and paragraph (*d*) of section 12.

Approval and publication of rules.

14. (1) No rule made in pursuance of the provisions of this Part shall have effect until it is approved by the Minister [1] and notification of such approval is published in the Gazette. Every rule shall, upon notification of such approval in the Gazette, be as valid and effectual as if it were herein enacted.

(2) Where notification of the approval of any rule is published in the Gazette under subsection (1), the Government Agent shall forthwith cause such rule to be published in the language or languages prevailing in the district in such manner as the Government Agent may in his discretion consider best adapted for bringing the terms and purport of such rule to the notice of the persons affected thereby.

Approval of resolutions.

15. (1) No resolution passed in pursuance of the provisions of this Part shall have effect until—

(*a*) in the case of a resolution relating to a minor irrigation work, it is approved by the Government Agent, and

(*b*) in the case of a resolution relating to a major irrigation work, it is approved by the Minister.[1]

(2) Notice of the fact that any resolution has been approved under subsection (1) shall be given in such manner as may be prescribed.

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Power to appoint a committee to make rules.

16. (1) A majority of the proprietors present at any meeting summoned for the purpose of making rules under this Part may appoint a committee, of such number as they may determine, to make rules on their behalf.

(2) All rules made by any committee appointed under subsection (1) shall be deemed for the purposes of this Ordinance to be rules made by a majority of the proprietors.

(3) Regulations may be made prescribing the manner in which meetings of a committee appointed under subsection (1) shall be summoned, and the procedure to be followed at such meetings.

Register of absent proprietors.

17. (1) A register shall be kept, at the kachcheri of every administrative district in which irrigation works are situated, of all proprietors of lands under such irrigation works who are resident outside such district and who may desire to have their names entered in such register.

(2) Every proprietor referred to in subsection (1) shall be entitled to have his name and address entered in the register kept under that subsection, on payment of an annual fee of one rupee.

Proxies.

18. (1) Any proprietor may, by proxy in writing, authorize any other person to represent him and to vote on his behalf at any meeting of proprietors held under the provisions of this Ordinance or any rule or regulation made thereunder ; and a proprietor who is so represented at any such meeting shall be deemed to be present thereat for the purpose of determining whether the meeting is validly constituted or whether any rule or resolution has been duly passed by a majority of proprietors.

(2) Every proxy given for the purposes of subsection (1) shall be signed by the proprietor giving it and shall be attested by two witnesses.

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(3) The Government Agent or other officer presiding at the meeting shall have full power to determine the validity of any proxy presented at any such meeting, and his decision shall be final and conclusive.

Summoning of meetings.

19. (1) The Government Agent may of his own motion summon a meeting of the proprietors within any irrigable area or tract or of the proprietors of *manawari* lands situated in any village area.

(2) The Government Agent shall, on receipt of a written requisition of the proprietors representing one-fifth or more of the acreage of any irrigable area or tract, or of the *manawari* lands situated in any village area, summon a meeting of the proprietors of such irrigation area, tract, or lands, as the case may be.

Notice of meetings.

20. (1) When any meeting is to be held under the provisions of this Ordinance or any rule or regulation made thereunder, the Government Agent shall cause notice (being the longest notice which, in his opinion, is reasonable in the circumstances) to be given of the time and place of the meeting and its objects.

(2) The notice referred to in subsection (1) shall be given by beat of tom-tom or by exhibiting written notices in the language or languages of the district in suitable places within the area or tract or in such other manner as may appear to the Government Agent to be best adapted for giving publicity thereto.

(3) Where written notices of a meeting are exhibited under subsection (2), a copy of such notice shall be sent to the Mayor of every Municipal Council and to the Chairman of every Urban Council, Town Council and Village Committee constituted within the divisional revenue officer's division in which such meeting is to be held. [§ 3, 1 of 1951.]

(4) Where a person whose name is entered in the register kept under section 17 is entitled to attend any meeting of proprietors held under the provisions of this

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Ordinance or any rule or regulation made thereunder, the Government Agent shall give notice of such meeting to such person by means of a registered letter directed to the address specified in the register.

Constitution of meetings.

21. (1) A meeting which is held under the provisions of this Ordinance or any rule or regulation made thereunder shall not be deemed to be validly constituted unless there are present at least fifty proprietors or proprietors representing one-fifth of the acreage affected by any matter to be discussed at the meeting.

(2) Where at any meeting held under the provisions of this Ordinance or any rule or regulation made thereunder, the owner or any person representing the owner of any land is present together with any lessee, cultivator or occupier of such land under such owner, or where any lessee of such land is present together with any cultivator or occupier under such lessee, the number of the persons claiming under owners or lessees, as the case may be, or the votes of such persons shall not be reckoned in computing the number of persons present or the number of votes.

Presiding officer.

22. (1) The Government Agent or a person generally or specially authorized by him and referred to by name or by office shall preside at every meeting held under the provisions of this Ordinance or any rule or regulation made thereunder. The Government Agent or the person so authorized is hereinafter referred to as the " presiding officer ". Full minutes shall be made of the proceedings at every such meeting and shall be signed by the presiding officer and shall be kept on record at the kachcheri.

(2) If at any meeting held under the provisions of this Ordinance or any rule or regulation made thereunder any question arises as to the right of any person to vote, the presiding officer may then and there decide the question, and his decision shall be entered in the minutes and shall be final and conclusive.

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PART IV

Irrigation Headmen

Irrigation headmen's divisions.

23. (1) For the purposes of the election of irrigation headmen, the Government Agent may divide—

(*a*) each irrigable area in his administrative district or any combination of such irrigable areas into divisions, and declare such divisions to be "irrigation divisions",

(*b*) any *manawari* land or any combination of *manawari* lands in each village area into divisions, and declare such divisions to be "*manawari* divisions".

(2) Each irrigation division and each *manawari* division shall be of such size as the Government Agent may deem convenient for the purposes of administration.

Irrigation headmen.

24. For each irrigation division and for each *manawari* division there shall be one or more irrigation headmen whose duty it shall be, subject to the direction and control of the Government Agent—

(*a*) to attend to all matters connected with the irrigation and cultivation of the lands within that division, and the preservation of rights and the maintenance of irrigation works connected therewith ; and

(*b*) to prevent, as far as practicable, any act or omission which is contrary to any rules or regulations in force under this Ordinance or to established customs relating to irrigation or cultivation, or whereby damage may be caused to any of the proprietors :

Provided that, notwithstanding anything contained in the preceding provisions of this section, the Government Agent may, if in his opinion it is not advisable to proceed to the election of an irrigation headman for any division, refrain from doing so for such time as the Government Agent may think proper.

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Election or appointment of headmen.

25. (1) Every irrigation headman for any irrigation division or for any *manawari* division shall be elected by a majority of the proprietors within the division at a meeting of such proprietors summoned by the Government Agent for the purpose.

(2) In any case where no person is elected at any meeting referred to in subsection (1) for the office of headman, the Government Agent shall himself appoint a person to such office.

(3) No person who is not a proprietor within the division or who has been convicted of any offence which, in the opinion of the Government Agent, disqualifies such person for holding office, shall be eligible to be elected or appointed a headman, and no person who has been dismissed under section 26 for misconduct or neglect of duty shall be so eligible except with the previous consent of the Government Agent.

[§ 4, 1 of 1951.]

(4) A letter of appointment signed by the Government Agent shall be issued to every person who is elected or appointed an irrigation headman and where the duration of office of the headman is limited to any period, such period shall be specified in the letter.

Retirement and dismissal of headmen.

26. (1) The Government Agent may at any time dismiss any headman, elected or appointed, or deemed to be elected or appointed, under this Ordinance, who is guilty of any misconduct or neglect of duty, or who is convicted of any offence which, in the opinion of the Government Agent, disqualifies such headman for holding office.

(2) The Government Agent may at any time call upon any headman elected or appointed, or deemed to be elected or appointed, under this Ordinance, to retire from office if in the opinion of the Government Agent such headman is unable to discharge efficiently the duties of his office ; and every headman who is so called upon to retire shall forthwith retire from office and if he fails to do so, may be dismissed by the Government Agent.

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Filling of vacancies.

[§ 5, 1 of 1951.]

27. In the event of any vacancy occurring in the office of irrigation headman in consequence of the death, retirement, termination of the duration of office, resignation or dismissal of the holder thereof, or otherwise, the Government Agent shall cause such vacancy to be filled by the election or the appointment of a headman in the manner provided in section 25, and it shall be lawful for the Government Agent to appoint a person to act as headman until the vacancy is so filled.

Acting appointments of headmen.

[§ 6, 1 of 1951.]

28. Where an irrigation headman is unable to discharge the duties of his office by reason of illness, ill health or any other cause whatsoever, it shall be lawful for the Government Agent to appoint another person to act in the place of such headman for such period as the Government Agent may determine.

Discontinuance of headmen.

[§ 7, 1 of 1951.]

29. (1) If in the opinion of the Government Agent, there has, in any division for which an irrigation headman has been elected, ceased to be any need for the services of such headman, the Government Agent may summon a meeting of the proprietors within the divison for the purpose of deciding the matter, and if the majority of the proprietors within the division decide that such services are not required such headman shall thereupon cease to hold office and to exercise and perform any of the powers and duties conferred or imposed upon irrigation headmen by or under this Ordinance or any rule or regulation made thereunder.

[§ 7, 1 of 1951.]

(2) If in the opinion of the Government Agent, there has, in any division for which an irrigation headman has been appointed, ceased to be any need of the services of such headman, the Government Agent may terminate the services of such headman and such headman shall thereupon cease to hold office and to exercise and perform any of the powers and duties conferred or imposed upon irrigation headmen by or under this Ordinance or any rule or regulation made thereunder.

Duties of headmen.

30. (1) Where in any irrigation division or *manawari* division any act is committed or any omission made which is contrary to any established custom or any rule or regulation relating to irrigation or cultivation,

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or whereby damage may be caused to any of the proprietors within any division, the headmen of that division shall, if the act or omission be of such a nature as to call for prompt action to prevent damage, take such steps as may be necessary in the circumstances, and shall forthwith report the matter to the Government Agent.

(2) No action taken by a headman under subsection (1) shall be deemed to preclude an investigation, under the provisions of Part VIII, into the act or omission in consequence of which such action has been taken.

Mode of recovering expenditure incurred by headmen.

31. (1) Where a headman, acting under section 30, or any officer acting in pursuance of any regulation made under Part VI, incurs any expenditure in the execution of his duty, and the person in consequence of whose act or omission such expenditure was incurred denies his liability to pay the amount incurred, or fails to pay such amount, the Government Agent may, on his being satisfied that such expenditure was properly incurred, and that it is reasonable, sign a certificate setting out the name of the person in consequence of whose act or omission such expenditure was incurred, the amount thereof, the nature of the act or omission, and the name of the headman or officer by whom the expenditure was incurred, and cause such certificate to be delivered to such person.

(2) Where any person to whom a certificate referred to in subsection (1) has been delivered fails to pay the amount due from him within ten days from the delivery to him of the certificate, the Government Agent may proceed to recover such amount in the manner provided in Part VII.

Payment to irrigation headmen.

32. Subject to any rules made under Part III the Government Agent may, in his discretion, award remuneration to irrigation headmen for their services as such, either in kind from the produce of the division for which each such headman is elected or appointed,

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or in money, and the proprietors within such division shall be liable to make such remuneration, and in case of defaulting in making such remuneration, or in making the remuneration provided by rules under this Ordinance, such remuneration shall be recovered in the manner provided in Part VII.

PART V

Construction And Maintenance Of Irrigation Works

GENERAL PROVISIONS

Irrigation schemes.

33. In any case where it is proposed that any irrigation work be constructed, or that any variation be made in the conditions relating to the construction or maintenance of any irrigation work or the supply of water thereunder, or where any other question relating to any irrigation work has to be determined, a scheme for that purpose may be prepared in accordance with the provisions of this Part.

Scope of irrigation scheme.

34. A scheme under this Part may provide for all or any of the following matters:—

(1) In the case of any irrigation work—

(*a*) for the construction or maintenance of the irrigation work;

(*b*) for the division of the responsibility for the construction or maintenance of the whole or any part of the irrigation work between the Government and the proprietors;

(*c*) for the variation of the conditions relating to the construction or maintenance of the irrigation work, or the supply of water thereunder, or the variation of any scheme for any of the said purposes;

(*d*) for the division of the irrigable area into tracts, and for the conditions and methods of the distribution of water to such tracts;

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(*e*) for the adjustment of the expenses of the maintenance of the irrigation work, in any case in which a scheme involves any extension of the work, between the land comprised in the original irrigable area and the lands comprised in the area benefited by the effect of the extension ;

[§ 8, 1 of 1951.]

(*f*) for the abandonment of any irrigation scheme or work ;

(*g*) for any other matter which, in the opinion of the Minister, may be appropriately included in any scheme.

(2) In the case of any major irrigation work—

(*a*) for the imposition of any irrigation rate upon the lands benefited or to be benefited under any scheme, and for specifying the limit above which any rate so imposed shall not be increased at any subsequent revision ;

[§ 8, 1 of 1951.]

(*b*) for the levying of contributions in labour upon the proprietors for the purpose of the construction or maintenance of the irrigation work or any part thereof, and for the payment of an irrigation rate by way of commutation of the liability to make such contributions in labour ;

(*c*) for the estimation and levying of special irrigation rates in respect of water derived by seepage, mechanical appliances or other special means.

(3) In the case of any minor irrigation work—

(*a*) for the assessment of contributions, whether in labour or money, from the several proprietors ;

(*b*) for the payment of money by way of commutation of the liability to make such contributions in labour ;

(*c*) for the recovery of such contributions ;

(*d*) for any other matter which, in the opinion of the Government Agent, may be appropriately included in any scheme.

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No rate to be imposed or varied without approval of proprietors.

35. No irrigation rate, nor any contribution whether in money or in labour, shall be imposed or varied by any irrigation scheme unless such scheme has been approved by a resolution of the majority of the proprietors of the irrigable area or tract at a meeting of the proprietors summoned for the purpose by the Government Agent.

Expenses of maintenance of irrigation work.

36. The expenses incurred in carrying out any operation which is necessary for the maintenance of any irrigation work shall not, except in the case of any operation which is carried out in an emergency and as to which it is not practicable to consult the proprietors, be charged to maintenance expenses without the approval of the majority of the proprietors signified at a meeting of the proprietors summoned for the purpose by the Government Agent.

Extension of irrigation work.

37. No adjustment of the expenses of maintenance of any irrigation work shall be made for the purpose of any irrigation scheme under paragraph (1) (*e*) of section 34, unless the proprietors of the original irrigable area, at a meeting summoned by the Government Agent for the purpose, have, by a resolution passed by a majority of the proprietors, approved a scheme embodying such adjustment.

Publication of scheme or proposal.

38. In any case in which any scheme, or any proposal for the imposition or variation of any rate or contribution under any scheme, or any proposal with respect to any other question arising under, or in the course of, the operation of a scheme is to be submitted to a meeting of proprietors, the scheme or proposal to be so submitted shall be published in the language or languages of the district in such manner as may seem to the Government Agent best adapted for bringing the terms and purport of the scheme or proposal to the notice of the persons affected thereby.

Reference of certain questions to arbitration.

39. Where any question arises with reference to any irrigation work between the Government and the proprietors or any section of the proprietors, or between different sections of the proprietors, and it does not

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appear to be practicable to settle such question by agreement, the Government Agent may, with the sanction of the Minister,[1] order that such question shall be referred to a court of arbitration :

Provided that no such order shall be made unless the reference and the terms thereof have been assented to by a resolution of a majority of the proprietors in question at a meeting summoned by the Government Agent for the purpose, or if the question is between two or more sections of the proprietors, or if two or more sections of the proprietors are otherwise parties to the question, by a resolution passed at such a meeting by a majority of the proprietors constituting each such section.

Court of arbitration.

40. (1) The court of arbitration referred to in section 39 shall consist of one arbitrator nominated by the proprietors in the manner hereinafter provided, one arbitrator nominated by the Director of Irrigation, together with a president chosen by agreement between the arbitrators so nominated :

Provided that where the question is a question between different sections of proprietors, or where different sections of proprietors are otherwise parties to the question, an arbitrator shall be separately nominated by each such section.

(2) In the event of the arbitrators not being able to agree upon a president, the president shall be a person experienced in the law and custom of the country who may be nominated for the purpose by the Minister of Justice.[1]

(3) For the purposes of the nomination of an arbitrator by the proprietors or any section of the proprietors, the Government Agent shall summon a meeting of the proprietors concerned.

(4) At every meeting summoned under subsection (3) the arbitrator shall be elected by a majority of the proprietors.

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Procedure to be free from formalities.

41. Every arbitration under this Part shall be free from the formalities of legal procedure, and shall be conducted in such manner as may be determined by the president for the purpose of securing an effective settlement of all substantial questions at issue between the parties in the matter under reference; and the arbitrators shall have full power for the purpose aforesaid to make any award which they may deem to be reasonable and equitable in all the circumstances of the case.

Terms of reference.

42. The terms of reference in any arbitration under this Part may at any time in the course of the arbitration be amended by agreement between the parties, such agreement in the case of the proprietors or any section of the proprietors being signified by a resolution of the majority of the proprietors or of that section of the proprietors, as the case may be, at a meeting summoned for the purpose by the Government Agent.

Decision of court of arbitration.

43. (1) The opinion of the arbitrators when unanimous or of a majority of them in case of any difference of opinion, either as regards the award or any question arising in the course of the proceedings, shall in all cases be deemed to be the decision of the court of arbitration.

(2) Where the court of arbitration consists of an even number of arbitrators and such arbitrators are equally divided in their opinions either as regards the award or any question arising in the course of the proceedings, the decision of the president shall be deemed to be the decision of the court of arbitration.

(3) The award in any arbitration under this Part shall be published in the Gazette, and upon such publication shall be binding on the parties, and shall have the like effect as a scheme duly confirmed under section 46, or section 61, as the case may be.

(4) No award which is published in the Gazette under subsection (3) shall be challenged or impeached on the ground of any alleged technical defect therein or in any proceeding antecedent thereto.

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Saving of mutual rights and obligations of Crown and proprietors.

44. Save as otherwise expressly provided in this Ordinance and subject in particular to the powers accorded to meetings of proprietors, nothing in this Ordinance shall affect the mutual rights and obligations of the Crown and the proprietors with reference to any irrigation work constructed or in course of construction at the appointed date.

Saving of rights of the Crown.

[§ 9, 1 of 1951.]

45. Save as otherwise expressly provided in section 58, nothing in this Ordinance, or in any scheme or resolution sanctioned or passed in pursuance of this or any previous Irrigation Ordinance, shall preclude the Crown on the occasion of the sale or lease of any Crown land then or subsequently to become benefited by any irrigation work, either actually constructed or under process of construction, or thereafter to be constructed, from imposing in the grant or lease or reserving the right to impose an irrigation rate of such amount and variable in such manner as to the Minister with the concurrence of the Minister of Finance [1] may seem fit.

SPECIAL PROVISIONS APPLICABLE TO MAJOR IRRIGATION WORKS

Confirmation of scheme.

46. (1) No scheme relating to a major irrigation work shall have effect until such scheme has been confirmed by the Minister. [1]

(2) Notice of such confirmation shall be given in such manner as may be prescribed.

(3) After the notice referred to in subsection (2) has been given, every person interested in the scheme shall be entitled to inspect the scheme, free of charge, at the kachcheri.

Rates to be variable in accordance with scheme.

47. All irrigation rates provided for by any scheme under this Part shall be subject to periodical revision in accordance with the scheme :

Provided that nothing in the preceding provisions of this section shall be deemed—

(*a*) to authorize the increase of the rate, at any such revision, above the limit specified in the scheme ; or

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(b) to prejudice the right of the proprietors of any irrigable area to the continuance of any perpetuity rate under any scheme in force at the appointed date.

Saving of rights of proprietors of original benefited area. [§ 10, 1 of 1951.]

48. Where by the extension of any major irrigation work any new area is benefited and any question is subsequently submitted or to be submitted for the determination of a meeting of proprietors of lands benefited by the work, the decision of which may affect the amount or the conditions of the rates payable by the proprietors of the area originally benefited, the majority of the proprietors of the said original benefited area may require, either at the said meeting or by notice in writing addressed to the Government Agent before the meeting, that such question be submitted separately to a meeting of the proprietors of the said original benefited area, and thereupon such question shall be so submitted accordingly; and in any such case no proposal affecting the amount or the conditions of the rates payable by the proprietors of the said original benefited area shall be adopted, unless it has been separately assented to by a majority of the proprietors at a meeting of the proprietors of the said original benefited area as well as by a majority of the proprietors at a meeting of the proprietors of the new area benefited by the extension.

Adjustment of expenses of maintenance.

49. (1) Where in connexion with an extension for a major irrigation work, a scheme embodying any adjustment of the expenses of maintenance of such work is not approved by the majority of the proprietors at a meeting summoned under section 37, an annual maintenance rate shall be payable thereafter by the proprietors of the original irrigable area to meet the annual cost of maintenance. Such annual cost of maintenance shall be deemed to be an amount equal to the average annual cost of maintenance of the original work during the ten years previous to the commencement of the extension.

(2) The maintenance rate referred to in subsection (1) in respect of any irrigation work shall be subject every five years to an increase or reduction in the proportion in which the average maintenance rate payable

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under section 56 in respect of other irrigation works in the same administrative district exceeds or falls short of the maintenance rate paid in respect of that work.

Specifications.

50. (1) For the purpose of any irrigation rate leviable under this Ordinance, or any rate leviable in respect of irrigation under any previous Irrigation Ordinance, the Government Agent, with the assistance of the Director of Irrigation and the Surveyor-General, shall from time to time, in such manner as to him may appear expedient, prepare a specification showing the several lands benefited or to be benefited, with the names of the proprietors and the contribution, in money or labour, payable by each in respect of his land; and such specification shall be conclusive proof that the lands included in the specification and the proprietors thereof are severally bound and liable for the payment or rendering of such contribution.

[§ 11, 1 of 1951.]

(2) The Government Agent may from time to time amend any specification, and may exclude from liability to contribution any lands included in any specification which may from time to time be found not to be benefited, or may, on notice to the proprietors concerned, add thereto such additional lands as may from time to time be found benefited.

[§ 11, 1 of 1951.]

(3) Every specification which is in force at the appointed date shall be revised by the Government Agent within three years after that date and thereafter at intervals of not more than five years; and every specification prepared after the appointed date shall be revised by the Government Agent at intervals of not more than five years.

[§ 11, 1 of 1951.]

[§ 11, 1 of 1951.]

Procedure in case of default in making specification.

51. Whenever it appears to the Minister with respect to any major irrigation work undertaken or completed under the provisions of this or any previous Irrigation Ordinance—

(*a*) that the specification, which according to such Ordinance ought to have been made, has not in fact been made;

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(*b*) that any specification which has been made is invalid or of doubtful validity by reason of noncompliance with the requirements of such Ordinance,

it shall be lawful for the Minister to direct a specification to be prepared showing the lands benefited or to be benefited by the work, and every specification so made shall for all purposes have the like force and validity as if it had been duly made under the provisions of the Ordinance under which the work was undertaken. [§ 12, 1 of 1951.]

Procedure on correction of irregularity, informality, or defect.

52. Where any difficulty arises in the preparation of any specification, or with reference to any existing specification, on the ground of any irregularity, informality, or defect in some proceeding antecedent to the preparation of such specification, or in the specification, as the case may be, and the necessary steps have been taken to deal with such irregularity, informality, or defect under section 11 (1) (*c*), a specification prepared in accordance with a resolution passed for the purpose under the said section shall for all purposes have the effect of a specification prepared in pursuance of a scheme sanctioned under this Ordinance.

Seepage rates.

53. (1) Every land which, notwithstanding that it is not irrigable under any major irrigation work, derives substantial benefit from such work by seepage, shall be liable to the imposition in respect of such seepage of an irrigation rate (hereinafter referred to as a "seepage rate") not exceeding half the rate ordinarily payable by the proprietors of lands irrigable under the said irrigation work.

(2) In any case in which the Director of Irrigation is satisfied that any land is liable to the imposition of a seepage rate under this section, the Government Agent shall, by notice in writing, inform the proprietor of such land that it is proposed to impose upon such land a seepage rate of the amounts specified in the notice, and call upon such proprietor, if he object to the imposition of a seepage rate, to make application in the manner and within the time provided for by this section.

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(3) Any proprietor who objects to the imposition of a seepage rate on the ground that the land in question is not deriving substantial benefit by seepage from the irrigation work, may within one month of the receipt of the notice referred to in subsection (2) apply to the Government Agent for an order that the land in question is not liable to the imposition of a seepage rate, and the Government Agent shall have jurisdiction to inquire into and determine the question, and his decision shall be final so far as it relates to the question of the liability of the land to the imposition of the seepage rate, and no further.

(4) In any case in which no application under subsection (3) is made within the time specified in that subsection, or in which, on such application, the question at issue is determined in favour of the Director of Irrigation, it shall be lawful for the Government Agent, by order published in the Gazette, to impose a seepage rate upon the land in question in accordance with this section, and to direct the inclusion of the said land in respect of such seepage rate in the specification in force for the purposes of the irrigation work.

Irrigation and drainage by mechanical appliances, and rates therefor.
[§ 13, 1 of 1951.]

54. (1) In any case in which any land, not otherwise benefited by any major irrigation work, is capable of deriving benefit from such work by the use of any mechanical appliance, it shall not be lawful—

(*a*) to use such appliance for such purpose, unless a certificate that such use has been authorized is issued to the proprietor by or under the authority of the Director of Irrigation, or

(*b*) to erect or use such appliance otherwise than in accordance with the terms or conditions subject to which such authorization has been given.

(2) On the issue of a certificate under subsection (1), the Government Agent may, by order published in the Gazette, impose an irrigation rate upon the land in question of such an amount as may be approved by the Minister with the concurrence of the Minister of Finance, [1] and such land shall be included in the specification in force in respect of the irrigation work from which such land derives benefit.

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Special irrigation rates.

55. In any case in which the proprietors of any area not ordinarily entitled to a supply of water from any major irrigation work desire a special supply of water from such work, such special supply may be sanctioned upon a majority of those proprietors passing a resolution, at a meeting summoned for the purpose by the Government Agent, approving of the payment of a special irrigation rate, or upon the proprietors representing two-thirds of the irrigable lands of that area signing an undertaking to pay a special irrigation rate, and thereupon the Government Agent may, by order published in the Gazette, impose such a special irrigation rate, and the particulars of the amount due from the several proprietors in respect of such special rate shall be entered in the specification, or in a special specification, in respect of the irrigation work from which such special supply is given.

Maintenance rates.

56. (1) Except in the following cases, that is to say :—

(*a*) in the case of any major irrigation work in respect of which a fixed or variable rate per annum in perpetuity is leviable,

(*b*) in the case of any major irrigation work in respect of which other special arrangements for the maintenance thereof are sanctioned under this Ordinance,

the lands included in the specification of any major irrigation work constructed, or in course of construction at the appointed date, and the proprietors thereof, shall severally be bound and liable to an annual irrigation rate (hereinafter called the "maintenance rate") for the maintenance of such irrigation work.

[§ 14, 1 of 1951.]

(2) The lands included in the specification of any major irrigation work specified in the Schedule, and the proprietors thereof, shall severally be bound and liable to a maintenance rate for the maintenance of such irrigation work.

(3) The maintenance rate shall be assessed by the Government Agent and divided *pro rata* among the lands set out in the specification. In making his assessment the Government Agent shall be guided, in the

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case of any work which has been maintained for a period exceeding five years, by the actual cost of maintenance of such work for the five years preceding the date of assessment, and in the case of any work which has been maintained for a period not exceeding five years, by the estimate of the probable cost of annual maintenance which shall be prepared by the Director of Irrigation.

(4) All maintenance rates shall be reassessed by the Government Agent at the end of every period of five years or at such later date as may in any case be sanctioned by the Minister.

(5) A maintenance rate under this section may be assessed either separately (hereinafter called a " separate rate ") in respect of a single irrigation work, or generally (hereinafter called a " general rate ") in respect of any group of irrigation works.

(6) An irrigation work which is subject to a separate rate may, on the occasion of any reassessment, be included in a group of irrigation works, and be made subject to a general rate in respect of such group of works, and vice versa :

Provided that before any order is made converting a separate rate into a general rate or vice versa, the Government Agent shall consult the proprietors of the various works affected at a meeting or meetings summoned by him for the purpose.

(7) For the purposes of every maintenance rate under this section the Government Agent shall from time to time prepare a specification in the manner provided by section 50, and all the provisions of that section shall, with the necessary modifications, apply to such specification.

Power to exempt work from maintenance rate.

57. (1) In any case in which a majority of the proprietors of the lands under any major irrigation work in respect of which a maintenance rate is payable under section 56, by resolution passed at a meeting of the proprietors summoned for the purpose by the Government Agent, request that such work be exempt from

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the provisions of that section, and themselves undertake to maintain the work, the Minister may, by Order published in the Gazette, direct that, with effect from such date and subject to such terms and conditions as may be specified in the Order, such work shall be exempt from the provisions of that section and shall be maintained by the proprietors in accordance with rules made under Part III, such rules not being inconsistent with any terms and conditions so specified.

(2) The Government Agent shall place before the meeting of the proprietors summoned under subsection (1), a scheme of maintenance which shall be prepared by the Director of Irrigation in consultation with the Government Agent, and in which all the operations which the proprietors are expected to undertake for the purposes of the maintenance of the irrigation work shall be clearly and completely specified.

(3) Every irrigation work in respect of which an Order is published under subsection (1) shall with effect from the date specified in the Order be exempt from the provisions of section 56, and shall be maintainable by the proprietors in accordance with rules made under Part III and the terms and conditions, if any, specified in the said Order :

Provided that in any case in which the proprietors fail to maintain such work to the satisfaction of the Government Agent, the Minister may, by Order published in the Gazette, cancel the Order made under subsection (1) in respect of that work, and on the publication of such Order, such work shall cease to be exempt from the provisions of section 56.

Consolidated irrigation rates.
[§ 15, 1 of 1951.]

58. (1) Where after the appointed date any major irrigation work is constructed wholly for the purpose of benefiting lands held on grant, permit, lease, or otherwise from the Crown, such lands and the proprietors or owners thereof shall severally be bound and liable to a consolidated irrigation rate for the construction and maintenance of such work and for the water supplied or to be supplied to such lands from such work, in lieu of the rates leviable under the preceding provisions of this Ordinance.

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(2) Subject as hereinafter provided, the following matters shall be taken into consideration in determining the amount of any consolidated irrigation rate to be levied under subsection (1) :—

[§ 15, 1 of 1951.]

(*a*) the value of the lands benefited or to be benefited by the irrigation work, without taking into consideration the value of any improvement to such lands by the construction of such work ;

(*b*) the capital cost of the facilities provided by the irrigation work ;

(*c*) the estimated cost of maintenance of such facilities ;

(*d*) the cost of any other service to be rendered to the proprietors for the development of such lands ; and

(*e*) any other matter which may be prescribed :

Provided that the Minister [1] may, in the circumstances of any particular case, direct that any of the matters specified in paragraphs (*a*) to (*d*), or prescribed under paragraph (*e*) shall not be taken into consideration for the purpose of determining the amount of any consolidated irrigation rate.

(3) No consolidated irrigation rate shall be increased unless such increase has been approved by a resolution of the majority of the proprietors of lands subject to such rate at a meeting of those proprietors summoned for the purpose by the Government Agent.

Power to remit rate.

59. The Minister may at any time in respect of any year or years remit or refund any rate or any part of a rate payable under this Ordinance.

Payment of contributions in kind.

60. It shall be lawful for the Government Agent to receive in kind instead of in money any contributions under this Ordinance. Such payment in kind shall be made at such rate of commutation, and shall be

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collected at such time and place and in such manner, as the Government Agent may from time to time direct. If default is made in such payment in kind at the time and place directed by the Government Agent, the amount of the contribution for which such payment in kind was substituted shall be recovered in the manner provided in Part VII.

SPECIAL PROVISIONS APPLICABLE TO MINOR IRRIGATION WORKS

Confirmation of scheme.

61. (1) No scheme relating to a minor irrigation work shall have effect until such scheme has been confirmed by the Minister[1] and until notice of such confirmation has been given in such manner as may be prescribed.

(2) After the notice referred to in subsection (1) has been given, every person interested in the scheme shall be entitled to inspect the scheme, free of charge, at the kachcheri.

Defective maintenance of minor irrigation work connected with major irrigation work.

62. (1) Where any minor irrigation work is so defectively maintained by the proprietors as, in the opinion of the Director of Irrigation, to endanger or impair the effectiveness of any major irrigation work with which such minor work is connected, the Minister may give notice that unless within a time fixed by the notice the arrangements for the maintenance of such minor work are made effective, and unless such work is thereafter effectively maintained, such work will be made subject to a maintenance rate under section 56.

(2) If the requirements of any notice given under subsection (1) are not complied with to the satisfaction of the Minister it shall be lawful for the Minister by Order published in the Gazette, to direct that the necessary arrangements for the maintenance of the minor irrigation work in respect of which such notice was given shall be carried out, and that the expenses of carrying out such arrangements and of the subsequent maintenance of such work shall be recovered by a

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maintenance rate under section 56, and thereupon the said work shall become maintainable by Government and shall be subject to a maintenance rate as though it were a new major irrigation work.

(3) No action shall be taken under this section unless the matter has been brought before a meeting of the proprietors summoned for the purpose by the Government Agent, and the requirements of the situation have been explained to them and such meeting has failed to make arrangements, by the framing of rules or otherwise, which, in the opinion of the Director of Irrigation, are effective for the purpose in view.

Defective maintenance of other minor irrigation works.

63. (1) Where the Government Agent is satisfied that the condition of any minor irrigation work is so defective, or that such work is so defectively maintained as to endanger or impair the effectiveness of any other such work, or as to prejudice or be likely to prejudice the interests of the proprietors of the lands irrigated by that other work, the Government Agent shall summon a meeting of the proprietors of lands irrigated by the first-mentioned work and shall explain to them the requirements of the situation, and shall call upon them to make arrangements, either by the framing of rules or otherwise, to remedy the defect to his satisfaction.

(2) In the event of the meeting summoned under subsection (1) failing by a resolution of the majority of the proprietors to make arrangements to the satisfaction of the Government Agent to remedy the defect, it shall be lawful for the Minister, by Order published in the Gazette, to direct that the necessary arrangements shall be carried out, and that the expenses of carrying out such arrangements and, if necessary, of the subsequent maintenance of the minor irrigation work shall be recoverable by a maintenance rate under section 56, and the said work shall thereupon become subject to a maintenance rate under that section as though it were a new major irrigation work.

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PART VI

Protection Of Irrigation Works And Conservation Of Water

Regulations for the protection of works and conservation of water.

64. Regulations may be made in respect of any irrigation work for all or any of the following matters :—

(*a*) the prevention of the obstruction, diversion, or cutting of any *ela*, channel, or other watercourse comprised in the irrigation work, or of any other damage thereto ;

(*b*) the prevention of any encroachment upon any such *ela*, channel, or watercourse ;

(*c*) the prevention of any interference with any sluice, dam, or regulating machinery or device in or upon any such *ela*, channel, or watercourse ;

(*d*) the prevention of the obstruction of or interference with any road or path comprised in the irrigation work ;

(*e*) the construction of field channels and dams in approved places and in accordance with approved alignments ;

(*f*) the prevention of the waste of any water supplied from the irrigation work ;

(*g*) the prevention of the obtaining of water from any such *ela*, channel, or other watercourse in any manner not authorized ;

(*h*) the prevention of the diversion by any act or omission, of such water from any of the purposes for which it is intended ;

(*i*) the limitation of the extent of land for which water will be supplied in each season for cultivation under the irrigation work and the fixing of dates for the commencement and completion of the supply of such water in each season ; [§ 16, 1 of 1951.]

(*j*) the conditions on which water will be supplied from the irrigation work and the charges to be paid for the supply of such water after the date fixed for the completion of cultivation ; [§ 16, 1 of 1951.]

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(*k*) the maintenance of the irrigation work ;

(*l*) any other matters necessary for the protection of the irrigation work, or for the conservation of water supplied therefrom.

Removal of obstruction or encroachment.

65. (1) Where any person obstructs or encroaches upon any *ela*, channel, watercourse, or tank, it shall be lawful for the Government Agent, by notice in writing served on such person, to require him within such time as may be specified in the notice to remove or abate such obstruction or encroachment.

(2) If any person served with a notice under subsection (1) refuses or neglects to comply with the requirements of such notice within the specified time, or if there is any doubt as to who is the proper person to be served with such notice, it shall be lawful for the Government Agent to cause such obstruction or encroachment to be forthwith removed or abated ; and for that purpose it shall be lawful for the Government Agent to enter any land or premises, with such workmen, instruments and things as may be necessary, and to proceed to do therein, or cause to be done, all such things as may be necessary for such removal or abatement.

Recovery of expenses.

66. The expenses incurred in effecting the removal or abatement of any obstruction or encroachment under section 65 shall be paid—

(*a*) by the person on account of whose noncompliance with any notice served under subsection (1) of that section such expenses were incurred, or

(*b*) in case no such notice was served owing to any doubt as to who was the proper person to be served with such notice, by such person as the Government Agent may determine, after such inquiry as he may deem necessary, to be the person who should have been served with such notice,

and in case of default shall be recoverable in the manner provided in Part VII.

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Reference to arbitration.

67. (1) Whenever the owner or occupier of any land or premises, by the clearance or drainage of such land or premises or by any other act or omission, whether of the same nature or not, in any way affecting any *ela,* channel, or watercourse, used for irrigation purposes, or any other irrigation work—

(*a*) causes any such *ela,* channel, watercourse, or other irrigation work to be blocked up, obstructed or damaged, so that any land which previously derived benefit therefrom is deprived of that benefit, or

(*b*) causes damage of any other nature to any land in the neighbourhood of any such *ela,* channel, watercourse, or other irrigation work,

any person aggrieved by the act or omission of such owner or occupier may make a complaint to the Government Agent.

(2) In any case where—

(*a*) the Government Agent is not able, by agreement between the parties concerned, and with or without such assistance as the Director of Irrigation (not being a party concerned) may be willing to contribute, to settle what steps should be taken and what obligations should be assumed by any owner or occupier against whose act or omission a complaint has been made under subsection (1) and by the cultivators of the lands affected by such act or omission, for the purpose of removing any blocking up or obstruction, or the repairing of any damage caused by such act or omission, or the prevention of the recurrence of such blocking up, obstruction, or damage ; or

(*b*) any of the parties to any such agreement fails to take or to assume, within a reasonable time, any of the steps or obligations which he has thereby agreed to take or assume,

the Government Agent may, by written notice addressed to the parties, direct that the matter in dispute be referred to the arbitration of such arbitrator or arbitrators as may be agreed upon by the parties.

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Representation of cultivators.

68. The Government Agent may appoint any person for the purpose of representing the interests of the cultivators referred to in section 67 in any matter or dispute or in any arbitration that may take place for its settlement.

Arbitrators

69. (1) In every notice under section 67, the Government Agent shall inform the parties that, unless by a date specified in the notice or on such further date as he may on application fix, the parties have notified to him the name or names of an agreed arbitrator or arbitrators, he will apply to the District Judge to act as arbitrator with or without assessors as to the District Judge may seem proper.

(2) If the parties do not on or before the date specified in the notice under section 67 or such further date as may be fixed by the Government Agent notify to the Government Agent the name or names of an agreed arbitrator or arbitrators, the Government Agent may apply to the District Judge to act as arbitrator ; and it shall be the duty of the Judge to act in accordance with such application.

(3) The District Judge may, in his discretion, appoint assessors as he may think fit to assist him in any arbitration under this section.

Duty of arbitrators.

70. It shall be the duty of the arbitrator or arbitrators and the assessors, if any, to visit the place with respect to which the matter in dispute arises, and to determine such matter without any formalities of legal procedure, and to make such award with reference to the steps to be taken by and the obligations to be imposed upon all or any of the parties as may be reasonable in all the circumstances of the case.

Award of arbitrators.

71. (1) In any case in which the Government Agent, or the Director of Irrigation (not being a party concerned), with a view to facilitating a settlement of the dispute, undertakes to execute the operation of carrying silt, earth, water, or any other substance or any other operation for the purpose of preventing damage to any land, an order for the execution of such operation may be embodied in the award.

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(2) In any case in which the parties consent to the arbitrator or arbitrators determining any claim for damages that may have been made by a party, an order for the payment of damages may be embodied in the award, and where such an order has been so embodied no action shall lie in respect of such claim.

(3) In the event of the arbitrators not being agreed as to the award or as to any point arising in the course of the proceedings, the opinion of the majority shall prevail.

(4) In the event of there being no opinion supported by a majority of the arbitrators, it shall be lawful for the Government Agent to appoint, by writing under his hand, an umpire to decide all matters in question in the arbitration, and in any such case the award shall be made by the umpire, and shall be as binding in all respects as if it had been made by the arbitrators or a majority of them.

Fees.

72. (1) The Government Agent shall fix the fee to be paid to an umpire appointed under section 71 and an order directing the payment of such fee shall be included in and form part of any award made by the umpire.

(2) In the event of assessors being appointed to assist a District Judge in the conduct of an arbitration, the District Judge shall fix the fee of the assessors, and an order directing the payment of such fee shall be included in and form part of any award made by such Judge.

Enforcement of award.

73. Every award made by any arbitrator or arbitrators or by an umpire under this Part, on being registered in the District Court, shall be binding on all parties concerned, and may be enforced in the same manner as a decree of the court :

Provided that in so far as such award relates to any obligation to be assumed by the cultivators referred to in section 67, such award shall have the force of a rule made under Part III, and all the provisions of this Ordinance relating to the enforcement of rules under Part III shall apply to such award.

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Power of Government Agent to carry out order of arbitrators.

74. (1) In any case in which by any award made under this Part any order is made upon the owner or occupier of any land or premises, the Government Agent shall cause a copy of such order to be served upon such owner or occupier; and if such owner or occupier makes default in complying with such order the Government Agent may from time to time, after reasonable notice to such owner or occupier, himself take the necessary steps to carry out the order, and for that purpose it shall be lawful for the Government Agent or any person thereto authorized in writing by the Government Agent to enter any land or premises with such workmen, instruments and things as may be necessary.

(2) The expenses incurred by the Government Agent under subsection (1) shall be certified under his hand, and shall be a first charge on the land or premises in respect of which notice was served under subsection (1), and on any crop or produce thereof, and on any movables thereon, and where default is made in the payment of such expenses, the Government Agent shall proceed to recover such expenses in the manner provided in Part VII.

Liability where irrigation work is damaged or water is used without authority or is wasted by a person who cannot be identified.

75. (1) Where water from any *ela*, channel, watercourse or other irrigation work is obtained in any manner not authorized or is allowed to run to waste, and the person who obtained such water or allowed such water to run to waste cannot be identified, then, if any land has derived any benefit from such water, the proprietor of such land shall be liable to pay for such water at such rate as the Government Agent may determine.

(2) Where any act is committed whereby damage is caused to any irrigation work and the person who committed such act cannot be identified, then, if any land has derived any benefit as a result of the commission of such act, the proprietor of such land shall be liable to pay to the Government Agent the expenses incurred in repairing such damage.

(3) If default is made in the payment of any sum due under this section, such sum shall be recoverable in the manner provided in Part VII.

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PART VII

Recovery Of Money Due

Register of proprietors.

76. (1) A register shall be kept, at the kachcheri of every administrative district in which irrigation works are situated, of all the proprietors or mortgagees of lands under such irrigation works who may desire to have their names inserted therein.

(2) Every registration under this section shall, subject to any correction or alteration made therein, remain in force for four years, but may be renewed from time to time for a further period of four years. If such registration is not renewed before the end of any period of four years, the registration shall be cancelled.

(3) A fee of one rupee shall be charged for every registration under this section, whether original or by way of renewal, and for every correction or alteration made in such registration.

(4) Regulations may be made prescribing—

(*a*) the keeping at the kachcheri of every administrative district in which irrigation works are situated, in lieu of the registers required to be kept under section 17 and subsection (1) of this section, of a register of all proprietors of lands under such irrigation works ;

(*b*) the manner in which such register is to be prepared and certified, and the intervals at which such register is to be revised ;

(*c*) the particulars to be specified in such register ;

(*d*) the fees, if any, payable for the insertion of any name in such register.

(5) During the continuance in operation of any regulations under subsection (4) and from the coming into force of any register prepared thereunder, any reference in this Ordinance to the register kept under section 17 or under subsection (1) of this section shall be read and construed as a reference to the register prepared in pursuance of such regulations, and it shall

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be a sufficient compliance with the provisions of subsection (4) of section 20 if the notice required thereunder is given to such of the persons on the register as are resident outside the administrative district to which the register relates.

Payment of contributions.

77. (1) All contributions due or deemed to be due under this Ordinance shall be payable in respect of each calendar year, and shall be paid on or before the thirtieth day of June in that year, or on such other date as the Minister with the concurrence of the Minister of Finance[1] may, by Order published in the Gazette, appoint.

(2) All contributions due or deemed to be due under this Ordinance shall be recovered in accordance with the provisions of this Part.

Recovery of contributions, &c

78. (1) Where default is made in the payment of any contribution of money or other sum due or deemed to be due under this Ordinance, the land in respect of which such contribution or other sum is due shall be and is hereby declared to be specially bound and liable for such payment, and it shall be lawful for the Government Agent or any person authorized by writing under his hand, to seize such land and any crop or produce thereof and any movables thereon, to whomsoever such land, crop, produce or movables may belong; and if such contribution, or other sum, together with any costs payable under section 86, are not sooner paid or tendered, to sell the land, crop, produce or movables, so seized, by public auction at any time not less than twenty-one days from the date of such seizure.

(2) Where default is made in any contribution of labour due or deemed to be due under this Ordinance, it shall be lawful for the Government Agent or any person authorized by writing under his hand to cause such labour to be performed by some person other than the defaulter, and the expenses incurred thereby shall be recoverable in the same manner as contributions of money are recoverable under subsection (1).

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(3) Where the authority imposing any fine or penalty for any offence under this Ordinance, orders that in the event of default in the payment of such fine or penalty, the amount thereof be recovered in the manner provided in this Part, it shall be lawful for the Government Agent or any person authorized by writing under his hand to seize any property whatsoever belonging to the defaulter, wheresoever such property may be found, and, if the amount due, together with any costs payable under section 86, are not sooner paid or tendered, to sell the property so seized by public auction at any time not less than twenty-one days from the date of such seizure.

Notice of seizure and sale.

79. (1) Where land is seized under section 78, the Government Agent shall forthwith, after such seizure, cause a notice setting out the facts of the seizure, the reasons therefor, and the date fixed for the sale of the land to be affixed in a conspicuous position on the land.

(2) Where a proprietor or mortgagee of land seized under section 78 has registered his address in the register kept under section 17 or section 76, the Government Agent shall cause a notice setting out the facts of the seizure, the reasons therefor, a specification of the property seized and the date fixed for the sale to be sent by registered post to such proprietor or mortgagee at the address specified in the register at least fourteen days before the date fixed for the sale.

When seizure of land not to be made.

80. No seizure of any land shall be made under section 78 if the defaulter surrenders sufficient free and unclaimed movable property to satisfy the total amount due from him.

Property exempt from seizure and sale.

81. Any property which is exempt from seizure and sale under the provisions of the Civil Procedure Code shall be exempt from seizure and sale under section 78.

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Movables to be sold first.

82. No land seized under section 78 shall be sold until the crop or produce thereof, and the movables thereon, if any, have been sold, and unless they have failed to realize an amount sufficient to cover the total amount due.

Sale of immovable property.

83. In all cases the sale of immovable property under section 78 shall be conducted on the spot, unless the Government Agent otherwise directs.

Upset price.

84. For the purposes of a sale under section 78, the Government Agent may fix an upset price ; and where an upset price is so fixed the property, which is the subject of the sale, shall not be sold to any person other than the Crown at any price below the upset price.

Keeping a person in charge of property seized.

85. The person making a seizure under section 78 may, if authorized thereto by general or special instructions issued by the Government Agent, appoint a suitable person to have the custody or possession of the property so seized pending the sale.

Costs of seizure and sale.

86. It shall be lawful for the Government Agent, or any person authorized by writing under his hand, to demand, take, and receive from any defaulter referred to in section 78, or from the owner or any joint owner of any property lawfully seized under that section, or to retain out of the proceeds of the sale of the property, sums of money calculated at the following rates for the following purposes :—

(*a*) for the cost of proceeding to seize the property, a charge not exceeding fifty cents for every ten rupees or part thereof due ;

(*b*) for the expenses of any person having the custody or possession of the property, a charge not exceeding one rupee for each continuous period not exceeding twenty-four hours ;

(*c*) for the expenses of sale, a charge not exceeding twenty-five cents for every ten rupees or part thereof of the net proceeds of the sale.

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Steps to be taken after sale.

87. (1) Where any property seized under section 78 is sold, the Government Agent at whose instance such seizure was made shall, after deducting the amount due from the defaulter and also the costs payable under section 86 pay the surplus, if any, arising from such sale to the owner or joint owners of the property sold, or in case the Government Agent is in doubt as to whom the money is to be paid, into the District Court having jurisdiction over the area in which the property was situated at the time of the sale.

(2) Where any land is sold under section 78, the Government Agent shall sign a certificate of sale in such form as may be prescribed, and such certificate shall be sufficient to vest the land sold in the purchaser, and in any case where the land so sold is land under any irrigation work, such land shall vest in the purchaser free from all incumbrances whatsoever, any custom or written law to the contrary notwithstanding.

(3) Every certificate of sale under subsection (2) shall be liable to the stamp duty fixed for conveyance of immovable property, and to any registration or other charges authorized by law, and such duty and charges shall be paid by the purchaser.

Power to purchase on behalf of the Crown.

88. (1) The Government Agent or any person authorized by him in writing, may bid for and purchase, on behalf of the Crown, any land sold under section 78.

(2) Notwithstanding any custom or written law to the contrary, where any land is purchased under subsection (1) on behalf of the Crown, such land shall vest in the Crown free from all incumbrances whatsoever, and notwithstanding anything in subsection (3) of section 87, the certificate of sale issued in respect of that land shall not be liable to any stamp duty or any registration or other charges.

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Cancellation of sale.
[§ 17, 1 of 1951.]

89. (1) Where within five years from the date of purchase of any land on behalf of the Crown under section 88 and before such land is resold, the defaulter or any person authorized by him, or if the defaulter be dead, any heir of the defaulter or any person authorized by any such heir, pays to the Government the amount due from the defaulter in respect of such land together with the value of the improvements made to the land after it was purchased by the Crown, the Government Agent shall, by endorsement on a certified copy of the certificate referred to in subsection (2) of that section, cancel the sale of such land to the Crown, and upon the registration of such endorsement under the Registration of Documents Ordinance, such land shall revest in the defaulter or, as the case may be, vest in such heir, as though such sale had never been made.

(2) Where any portion of any land purchased on behalf of the Crown under section 88 has been resold, the provisions of subsection (1) of this section shall apply, with the necessary modifications, to the portion of such land remaining unsold, and in any such case, the amount due from the defaulter shall be reduced by such amount as the Government Agent may determine in the circumstances of each case.

(3) In this section " amount due from the defaulter " means the amount in default of payment of which the land was sold under section 78, and includes the costs payable under section 86 and the surplus, if any, which has been paid under section 87 (1), together with interest on such amount, costs and surplus at such rate not exceeding six *per centum* per annum as the Government Agent may determine.

[§ 17, 1 of 1951.]

Resale by Crown.

90. (1) Where any land has been purchased on behalf of the Crown under section 88, and the sale has not been cancelled under section 89, it shall be lawful for the Government Agent, at any time to resell such land, and on such resale to transfer to the purchaser, by endorsement on a certified copy of the certificate referred to in subsection (2) of section 88 all

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the right, title, and interest which would have been acquired by the purchaser if he had purchased the land at the original sale, and upon the registration of such endorsement under the Registration of Documents Ordinance, such right, title and interest shall vest in the purchaser accordingly.

(2) Every endorsement under subsection (1) shall be liable to the same stamp duty and charges as a certificate to a purchaser at the original sale, and such duty and charges shall be paid by the purchaser in whose favour the endorsement is made.

Summary ejectment of persons in unlawful possession of land sold under this Part. [§ 18, 1 of 1951.]

91. (1) Where, after the sale of any land under the provisions of this Part, any person other than the purchaser or the heir or servant or agent of the purchaser of that land at such sale remains in occupation or possession of that land or any part thereof, a Magistrate having local jurisdiction over the area in which that land is situated shall, on the application of the Government Agent, by order direct the Fiscal or a police officer to eject such person from that land and to deliver possession thereof to the Government Agent or to his representative, or to the purchaser or his heir or servant or agent, as the case may be. [§ 18, 1 of 1951.]

(2) The Fiscal or a police officer charged with the execution of an order of ejectment made by a Magistrate under this section shall comply with the directions of the Magistrate and shall make due return in the prescribed form furnishing the prescribed particulars relating to the execution of the order.

(3) In the execution of an order of ejectment, the Fiscal or a police officer or any other officer authorized by or accompanying the Fiscal or police officer may use such force as may be necessary to eject any person or persons in possession or occupation of the land or any part thereof and to deliver possession of the land to the Government Agent or his representative, or to the purchaser or his heir or servant or agent, as the case may be. [§ 18, 1 of 1951.]

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Rights of mortgagees.

[§ 19, 1 of 1951.]

92. Where any immovable property of any defaulter which is to be sold under the provisions of this Part is subject to a mortgage, it shall be lawful for the mortgagee, after making payment of the amount due from the defaulter together with the costs, if any, payable under section 86, to add the aggregate amount so paid by him to the mortgage debt ; and the amount so added shall be deemed to be secured in the same manner, and to bear the same interest and to be recoverable on the same conditions, as the mortgage debt, anything in any written law other than this Ordinance to the contrary notwithstanding.

PART VIII

Offences

Causing obstruction or damage to irrigation works or waste of water.

93. Every person who—

(*a*) wilfully and mischievously blocks up or obstructs, or causes to be in any way blocked up or obstructed, any channel or watercourse comprised in any irrigation work ; or

(*b*) wilfully and mischievously cuts the bund, bank, or side of any irrigation work ; or

(*c*) wilfully and mischievously causes waste of water conserved by any irrigation work ; or

(*d*) wilfully and wrongfully draws off or converts to his own use any such water,

shall be guilty of an offence, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.

Default, negligence or malicious acts of irrigation headmen.

94. Every irrigation headman who—

(*a*) fails or neglects to perform the duties devolving upon him, or

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(*b*) in excess of the authority conferred upon him by this Ordinance or by any rule or regulation made or deemed to have been made thereunder, acts in bad faith or without probable cause or wantonly and maliciously,

shall be guilty of an offence, and the institution of any proceedings therefor shall not be deemed to affect in any way his civil liability to the person injured by his act or omission.

Resisting irrigation headmen in the execution of their duty.

95. Every person who without lawful cause resists, molests, or obstructs any irrigation headman in the lawful discharge of any duty imposed upon such headman by this Ordinance or by any rule or regulation made or deemed to have been made thereunder shall be guilty of an offence.

Breaches of rules or regulations or of established custom.
[§ 20, 1 of 1951.]

96. Every person who commits a breach of any rule or regulation made or deemed to have been made under this Ordinance or a breach of any established custom relating to irrigation or drainage or flood protection or salt water exclusion or cultivation shall be guilty of an offence.

TRIAL OF OFFENCES

Trial of offences.

97. (1) Every offence under section 94, section 95 or section 96 shall be triable by the Rural Court having jurisdiction over the place where the offence was committed :

Provided that every such offence committed in any area, declared to be a special irrigation area by Order made by the Minister under this section and published in the Gazette, shall be triable exclusively by an irrigation tribunal constituted as hereinafter provided, or where the Minister so directs in such Order, by the Government Agent or a person authorized in that behalf by writing under the hand of the Government Agent.

M 50——J. N. R 7598 (4/60)

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(2) No Order directing any offence referred to in subsection (1) to be tried by a Government Agent or a person authorized by the Government Agent shall be made in respect of any area unless the Minister is of opinion that it is impracticable to obtain the assistance of councillors to constitute an irrigation tribunal within that area.

Additional powers of Rural Courts.

98. In addition to the powers vested in a Rural Court by the Rural Courts Ordinance, a Rural Court in the exercise of any jurisdiction conferred on such court by this Ordinance shall have the following powers :—

(1) Where—

(*a*) the complainant in any trial under this Ordinance has sustained damage by reason of the act or omission complained of, or

(*b*) such act or omission is of such a nature as to call for prompt action to prevent damage, and any expenditure incurred for that purpose by the headman under section 30, or by any officer acting in pursuance of a regulation made under Part VI has not been recovered under section 31,

it shall be competent to the Rural Court either to direct that the damage suffered or the expenditure incurred shall be made good out of any fine it may impose on the offender, or to adjudge him to pay, in addition to any such fine, the amount of such damage or the amount of such expenditure, and such amount shall be recoverable in the manner provided in Part VII :

Provided that except with the consent of both parties no such order shall be made in any case in which the amount of the damage claimed or the expenditure incurred exceeds two hundred rupees.

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(2) Where a person is convicted of a breach of any regulation made under section 64 for the protection of any irrigation work or the conservation of water supplied therefrom it shall be competent to the Rural Court, in addition to any punishment it may impose, to order such person to pay a penalty not exceeding double the value of the damage caused as a result of such breach.

(3) Where any proprietor is adjudged to pay any fine or penalty for an offence under this Ordinance and default is made in the payment of the fine or penalty, it shall be competent to the Rural Court, instead of sentencing the defaulter to detention or imprisonment, to order the amount of the fine or penalty to be recovered in the manner provided in Part VII of this Ordinance.

Powers of irrigation tribunal, Government Agent or other authorized person.

99. Any irrigation tribunal, Government Agent or person authorized by a Government Agent may, at the trial of any offence referred to in section 97, exercise the powers conferred on a Rural Court by the Rural Courts Ordinance and by section 98 of this Ordinance.

Issue of summonses and warrants.

100. (1) Where any complaint has been made against any person to an irrigation tribunal, the president of such tribunal may serve or cause to be served on such person a summons requiring the attendance of such person before such tribunal on a date to be specified in the summons.

(2) Where any person on whom a summons has been served under subsection (1) fails to appear as required by the summons, the president of the irrigation tribunal may issue a warrant to secure the attendance of such person.

President of irrigation tribunal.

101. The Government Agent or a person authorized by him in that behalf shall be the president of the irrigation tribunal.

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Councillors.

102. An irrigation tribunal for any area shall consist of not less than three and not more than seven councillors selected by the president of such tribunal from among the proprietors of irrigable lands and *manawari* lands within that area, subject to such right of challenge as may be prescribed by rules made under section 111.

Proceedings before irrigation tribunal to be summary and free from formalities.

103. The proceedings before an irrigation tribunal shall be conducted in a summary manner and it shall be the duty of such tribunal to do substantial justice, without regard to matters of form, on all questions coming before such tribunal.

Representation of parties.

104. No advocate, proctor, agent or other person shall be entitled to appear on behalf of any party in any case before an irrigation tribunal :

Provided that the preceding provisions of this section shall not apply to the appearance—

(*a*) of a husband, on behalf of his wife ; or

(*b*) of a guardian or curator, on behalf of the person or persons for whom he acts as such ; or

(*c*) of an agent resident within the jurisdiction of the tribunal, on behalf of a principal who is not so resident ; or

(*d*) of a proprietor, on behalf of his servant or cultivator ; or

(*e*) of a servant or cultivator, on behalf of a proprietor ; or

(*f*) of any person (not being an advocate or proctor) expressly authorized thereto by the president of the tribunal, on behalf of a minor who is not represented by any person legally entitled to represent him, or on behalf of any other party in the special circumstances of any case.

Proceedings to be filed of record.

105. It shall be the duty of the president of an irrigation tribunal to record in writing the proceedings at every trial before the tribunal and to transmit such record to the kachcheri to be there filed of record.

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Procedure on conclusion of trial.

106. (1) On the conclusion of any trial before an irrigation tribunal the opinion of the councillors shall be first expressed and recorded, and afterwards that of the president.

(2) In case of any difference of opinion between the president and the majority of the councillors, the opinion of the president shall prevail and shall be taken to be the decision in the case, but in every such case a record shall be made of such difference of opinion.

MISCELLANEOUS

Appeals.

107. Any person who is aggrieved by any order or sentence made or imposed under this Part by an irrigation tribunal or a Government Agent or person authorized by him may appeal against such order or sentence in the same manner and on the same terms and conditions as though it were the order or sentence of a Rural Court ; and the provisions of any written law for the time being in force relating to appeals from orders or sentences made or imposed by a Rural Court shall apply *mutatis mutandis* or subject to such modifications as may be made under section 111, in the case of appeals under this section.

Duties of Fiscal.

108. The Fiscal or Deputy Fiscal shall, within the province or district for which he is respectively empowered to act, execute every sentence imposed under this Ordinance by an irrigation tribunal, a Government Agent or person authorized by him, and the provisions of sections 2, 5 and 98 of the Prisons Ordinance shall extend and apply to warrants of commitment issued by the president of an irrigation tribunal, the Government Agent or authorized person in pursuance of such sentence.

Application of Rural Courts Ordinance.

109. The provisions of sections 33, 34 and 35 of the Rural Courts Ordinance shall apply *mutatis mutandis* to summonses and warrants issued under this Ordinance by the president of an irrigation tribunal, Government Agent, or person authorized by him.

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Appropriation of fines and penalties.

110. All fines and penalties imposed under this Part by any Rural Court, irrigation tribunal, Government Agent or person authorized by him, for the breach of any rule or regulation made or deemed to have been made under this Ordinance or of any established custom relating to irrigation or cultivation shall, when deposited with or received or recovered by the Government Agent, be set apart by him as a fund to be used in aid of irrigation works or for the remuneration of irrigation headmen or officers, as the Government Agent may determine, anything in section 40 of the Rural Courts Ordinance to the contrary notwithstanding.

Rules.

111. The Minister with the concurrence of the Minister of Justice[1] may from time to time make rules for or in respect of all or any of the following matters :—

(*a*) the selection of councillors to serve on an irrigation tribunal ;

(*b*) the procedure to be observed in proceedings before an irrigation tribunal ;

(*c*) the adaptation or modification or alteration of any provision of written law for the time being in force relating to appeals from orders or sentences made or imposed by Rural Courts in such manner as may be necessary for the purpose of its application in the case of appeals from orders or sentences made or imposed by irrigation tribunals ;

(*d*) any other matter connected with or incidental to proceedings before an irrigation tribunal.

Proceedings before Government Agent or authorized person.

112. In any case where by virtue of an Order under section 97 any offence referred to therein is triable by a Government Agent or other authorized person, the provisions of this Part and any rules made thereunder, relating to proceedings before an irrigation tribunal, shall apply *mutatis mutandis* to proceedings before the Government Agent or such authorized person.

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PART IX

General

Acquisition of land.

113. Land required for the purposes of this Ordinance shall be deemed to be land required for a public purpose within the meaning of the Land Acquisition Act.

Appointment of officers by Government Agent.

114. The Government Agent may, by writing under his hand, appoint officers whose duty it shall be, subject to the general or specific directions of the Government Agent, to assist the Government Agent in exercising and carrying out the powers and duties conferred or imposed upon him by this Ordinance or by any rule or regulation made or deemed to have been made thereunder.

Plan or survey of channels, watercourses, and tanks to be conclusive.

115. If from any plan or survey purporting to have been made under the authority of the Surveyor-General or of the Director of Irrigation it appears that any channel, watercourse, or tank has been encroached upon, such plan or survey shall, in the absence of satisfactory proof to the contrary, be deemed to be conclusive proof of the facts exhibited therein.

Validation of variable irrigation rates in respect of certain lands.

116. In the case of any Crown land sold or leased subject to a condition that it should be subject to an irrigation rate variable in any manner specified in the condition, such land shall be, and shall be deemed to have been, subject to an irrigation rate in accordance with that condition, notwithstanding that at the time of the sale or lease of such land no provision existed for the imposition of variable irrigation rates under any previous Irrigation Ordinance then in force, and all contributions included in any specification and collected in accordance with such condition shall be deemed to have been validly included and collected.

Regulations.

117. (1) The Minister [1] may make regulations for all matters for which regulations are required or authorized to be made under this Ordinance, all matters required or authorized by this Ordinance to be prescribed, and all other matters incidental to or connected with such matters.

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(2) No regulation made by the Minister [1] under this Ordinance shall have effect until it has been approved by the Senate and the House of Representatives [1] and notification of such approval is published in the Gazette. Every regulation shall, upon notification of such approval [1] in the Gazette, be as valid and effectual as if it were herein enacted.

Interpretation.

118. (1) In this Ordinance, unless the context otherwise requires—

"appointed date" means the 1st day of November, 1946;

"construction" with reference to any irrigation work includes any improvement or extension of any irrigation work, or the repair or restoration of any abandoned irrigation work, or (subject to the definition of "maintenance" hereinafter contained) any operation for the protection of any irrigation work, or the irrigable area thereunder, or of any part of such work or area;

"contribution" includes all rates, subscriptions, charges and assessments made under this Ordinance or under any previous Irrigation Ordinance;

"cost of maintenance", with reference to any irrigation work in any year, includes such reasonable contribution in respect of establishment charges, cost of tools, plant and transport thereof, as may be approved by the Minister with the concurrence of the Minister of Finance; [1]

[§ 21, 1 of 1951.]

"expenses of construction" includes the expenses of survey and investigation and such reasonable contribution in respect of establishment charges, the cost of tools, plant and transport thereof, as may be approved by the Minister with the concurrence of the Minister of Finance; [1]

[§ 21, 1 of 1951.]

"Government Agent" includes an Assistant Government Agent;

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"irrigable area" means the area benefited by any irrigation work but does not include any *manawari* lands situated within that area; [§ 21, 1 of 1951.]

"irrigation division" means a division declared to be an irrigation division under section 23;

"irrigation scheme" means a scheme between the proprietors and the Government prepared in accordance with the provisions of Part V of this Ordinance; [§ 21, 1 of 1951.]

"irrigation work" includes—

(*a*) any tank, bund, anicut, *ela*, channel, distributory, field channel or watercourse comprised in or incidental or ancillary to the irrigation work;

(*b*) any structure, road, bridge, sluice, gate or other engineering work comprised in, or incidental or ancillary to the construction or maintenance of the irrigation work;

(*c*) any structure, bund, sluice or other engineering work erected for the purpose of draining any cultivated area or of preventing or regulating the flow of salt water into or out of any such area or of protecting such area from floods; [§ 21, 1 of 1951.]

"land" in the case of land held on lease or permit from the Crown means the interest of the lessee or permit-holder in the land, and the expression "owner" with reference to such land means the lessee or permit-holder;

"maintenance" with reference to any irrigation work (whether constructed under this Ordinance or under any previous Irrigation Ordinance) includes any operation for the protection of any existing irrigation work or the irrigable area thereunder or of any part of such work or area, which the authority responsible for the maintenance of the work may declare to be a minor operation;

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[§ 21, 1 of 1951.] "major irrigation work" means an irrigation work constructed and maintained by or under the authority of the Director of Irrigation out of moneys provided by Parliament;

"majority of proprietors" means—

(*a*) a majority consisting of two-thirds at least of the proprietors present at a meeting, such majority representing at least one-third of the acreage the proprietors of which are present and constitute the meeting; or

(*b*) if such majority is not obtained, the proprietors present at the meeting who represent two-thirds of the acreage the proprietors of which are present and constitute the meeting;

"*manawari* division" means a division declared to be a *manawari* division under section 23;

"*manawari* land" means any land which is cultivated or to be cultivated with paddy, and which is not supplied with water by any irrigation work, but is dependent for its water supply either upon rain water or on water baled from any well, or from any river, canal, lagoon, lake or other inland water;

[§ 21, 1 of 1951.] "minor irrigation work" means an irrigation work other than a major irrigation work;

"occupier" means a person in actual occupation of any land or premises and includes a person having the charge, management or control of the land or premises;

"prescribed" means prescribed by this Ordinance or by any regulation made thereunder;

"previous Irrigation Ordinance" includes the Irrigation Ordinance, No. 45 of 1917,* Ordinance No. 23 of 1889 and any Ordinance thereby repealed and Ordinances No. 6 of 1892, No. 10 of 1901, No. 16 of 1906, No. 20 of 1908 and No. 11 of 1915;

* Repealed by Ordinance No. 32 of 1946.

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"proprietor"—

(*a*) in the case of lands within an irrigable area or tract means the owner of any land benefited or to be benefited by any irrigation work, and [§ 21, 1 of 1951.]

(*b*) in the case of *manawari* lands means the owner of any *manawari* land,

and includes the occupier and the cultivator of such land;

"proprietors within the division"—

(*a*) when used with reference to an irrigation division, means the proprietors within the irrigable area in that division, and

(*b*) when used with reference to a *manawari* division, means the proprietors of *manawari* lands within that division;

"proprietor within any irrigable area or tract" means the proprietor of any land within that area or tract;

"regulation" means a regulation made by the Minister[1] under this Ordinance;

"tract" means any portion of any irrigable area defined as a tract by or in pursuance of any scheme under this Ordinance;

"village area" means a village area constituted or deemed to be constituted under the Village Communities Ordinance;

"watercourse", "channel", "*ela*", or "tank" includes the banks and bunds of the watercourse, channel, *ela* or tank, as the case may be, and any reservation of Crown land defined as belonging thereto by or under the authority of the Director of Irrigation, either by demarcation on the ground or in any map or plan.

(2) Every expression defined in subsection (1) shall when used in any scheme or resolution under this Ordinance, have the meaning assigned to it by that subsection unless the context otherwise requires.

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Savings.

119. On and after the appointed date—

(1) every rule, made under any previous Irrigation Ordinance by the proprietors within any irrigation district, or in place of such proprietors by the Government Agent in the exercise of the powers vested in him by any previous Irrigation Ordinance, and in force or deemed to be in force at the appointed date, shall, so far as it is not inconsistent with the provisions of this Ordinance, continue in force in each of the irrigable areas or tracts within that district and shall be deemed for all purposes to be a rule made by the proprietors within each such irrigable area or tract under this Ordinance ;

(2) every rule, made under any previous Irrigation Ordinance by the proprietors within any irrigable area or tract, and in force or deemed to be in force at the appointed date, shall, so far as it is not inconsistent with the provisions of this Ordinance, continue in force in such irrigable area or tract and shall be deemed for all purposes to be a rule made under this Ordinance ;

(3) every rule relating to the protection of irrigation works or the conservation of water, made by the Governor under section 60 of the Irrigation Ordinance, No. 45 of 1917,* or under any other previous Irrigation Ordinance, and in force at the appointed date shall, so far as it is not inconsistent with the provisions of this Ordinance, continue in force and shall be deemed for all purposes to be a regulation made under section 64 of this Ordinance ;

(4) every rule relating to the form and manner of procedure to be observed in proceedings before a Village Council, a Government Agent or a person authorized by a Government Agent, the process to be issued therein or the mode of enforcing such process, made by the Governor under section 33 of the Irrigation Ordinance, No. 45 of 1917,* or deemed to have been made under that Ordinance and in force

* Repealed by Ordinance No. 32 of 1946.

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at the appointed date shall, so far as it is not inconsistent with the provisions of this Ordinance, continue in force and shall be deemed for all purposes to be a rule made under section 111 of this Ordinance ;

(5) every by-law, made or deemed to have been made under section 49 (2) (xxii)* of the Village Communities Ordinance by the Village Committee of any village area, and in force at the appointed date, shall, so far as it is not inconsistent with the provisions of this Ordinance, continue in force and shall be deemed for all purposes to be a rule made by the proprietors of each irrigable area or tract or by the proprietors of *manawari* lands situated in that village area under section 11 or section 12, as the case may be, of this Ordinance ;

(6) (*a*) where any rule or resolution not inconsistent with the provisions of this Ordinance has been made or passed under Chapter III of the Irrigation Ordinance, No. 45 of 1917,† before the appointed date but has not been brought into force before that date, such rule or resolution shall be deemed to be made or passed under this Ordinance and may be brought into force in accordance with the provisions of this Ordinance ;

(*b*) for the purposes of paragraph (*a*), any rule or resolution made by a majority of the proprietors within any irrigation district shall be deemed to be a rule or resolution, as the case may be, made or passed by a majority of the proprietors within each irrigable area or tract within that district ;

(7) every resolution passed by a majority of proprietors under any previous Irrigation Ordinance, and in effect at the appointed date, shall continue in force and be deemed to be a resolution passed under this Ordinance ;

* This is a reference to the paragraph (xxii) of section 49 (2) of the Village Communities Ordinance (Cap. 198 in the 1938 Edition), which is repealed by section 119 (1) of Ordinance No. 32 of 1946.

†Repealed by Ordinance No. 32 of 1946.

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(8) every headman or other officer elected or appointed or deemed to have been elected or appointed under any previous Irrigation Ordinance, and continuing in office at the appointed date, shall be deemed to be a headman or officer elected or appointed, as the case may be, under this Ordinance ;

(9) all rates, subscriptions, contributions, charges and assessments established, levied, or made under any previous Irrigation Ordinance or any rules thereunder, and in force at the appointed date, shall be deemed to be established, levied or made, as the case may be, under this Ordinance ;

(10) every committee (other than a district advisory committee) constituted or established under any previous Irrigation Ordinance and in existence at the appointed date shall be deemed for all purposes to be a committee constituted or established under this Ordinance ;

(11) any specification, plan, estimate or report prepared or made under or in pursuance of any of the provisions of any previous Irrigation Ordinance or deemed to have been prepared or made under or for the purposes of any such Ordinance shall be deemed to have been duly prepared or made under and for the purposes of this Ordinance ;

(12) every scheme prepared and sanctioned or deemed to have been sanctioned under any previous Irrigation Ordinance and in effect at the appointed date shall continue in force and shall be deemed for all purposes to be a scheme duly confirmed, ratified and in effect under this Ordinance.

[Section 56 (2).]
[§ 22, 1 of 1951.]

SCHEDULE

1. The Jaffna Peninsula Lagoon Scheme in the Northern Province.
2. The Pahuru Oya Flood Protection Scheme in the Western Province.

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CHAPTER 454

CROWN LANDS

AN ORDINANCE TO MAKE PROVISION FOR THE GRANT AND DISPOSITION OF CROWN LANDS IN CEYLON; FOR THE MANAGEMENT AND CONTROL OF SUCH LANDS AND THE FORESHORE; FOR THE REGULATION OF THE USE OF THE WATER OF LAKES AND PUBLIC STREAMS; AND FOR OTHER MATTERS INCIDENTAL TO OR CONNECTED WITH THE MATTERS AFORESAID.

Ordinances Nos. 8 of 1947, 9 of 1947, *Act* No. 13 of 1949.

[*1st September, 1949.*]

Short title.

1. This Ordinance may be cited as the Crown Lands Ordinance.

PART I

GRANTS, LEASES, AND OTHER DISPOSITIONS OF CROWN LAND

Grants, leases, and other dispositions of Crown land.

2. Subject to the provisions of this Ordinance and of the regulations made thereunder, the Governor-General[3] may in the name and on behalf of Her Majesty—

(1) make absolute or provisional grants of Crown land;

(2) *sell, lease or otherwise dispose of Crown land;

(3) *enter into agreements for the sale, lease or other disposition of Crown land;

(4) *issue permits for the occupation of Crown land;

(5) *issue licences to take or obtain any substance or thing found in Crown land;

(6) *sell or lease the right to mine or gem in any Crown land or in any land which has been disposed of by the Crown with a reservation of mining rights in favour of the Crown.

* Powers of Governor-General delegated.—Gazettes Nos. 10,013 of 2nd September, 1949, and 10,127 of 21st July, 1950.

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Surrender of land comprised in instrument of disposition.

3. The Governor-General [3] * may, in the name and on behalf of Her Majesty, accept the surrender of any land comprised in any instrument of disposition upon such terms and conditions as he may think fit or as may be prescribed.

Surrender and sub-division.

4. (1) Where the owner of any land comprised in a Crown grant is desirous of dividing or partitioning such land, he may apply to the Governor-General [3] * to accept the surrender of such grant and to regrant the land comprised therein in parcels.

(2) If the lessee of any land leased by the Crown is desirous of dividing or partitioning such land, he may apply to the Governor-General [3] * to accept the surrender of such lease and to lease such land in parcels.

(3) The Governor-General, [3] * if satisfied with the title of the applicant under subsection (1) or subsection (2) and on payment by the applicant of all the costs and expenses of, or consequent on, such application, may accept the surrender of such grant or lease and may issue in lieu thereof to the applicant a Crown grant or lease, as the case may be, of the said land in such parcels as the applicant desires ; and where more persons than one are joint owners or joint lessees of any land for the division or partition of which an application is made under this section, a grant or lease issued in lieu of a grant or lease surrendered may dispose of any parcel of the land surrendered to any one or more of such joint owners or joint lessees.

(4) No such division or partition shall be allowed unless all moneys, if any, due under the original grant or lease have been paid in full.

Exchange of Crown land for private land.

5. The Governor-General [3] may, subject to such terms and conditions as he may deem fit, dispose of Crown land to any person in exchange for any land surrendered or conveyed by such person to Her Majesty.

* Powers of Governor-General delegated.—Gazettes Nos. 10,013 of 2nd September, 1949, and 10,127 of 21st July, 1950.

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Special grants and leases.

6. (1) A special grant or lease of Crown land may be made at a nominal price or rent or gratuitously for any charitable, educational, philanthropic, religious or scientific purpose, or for any other purpose which the Governor-General [3] * may approve.

(2) Every special grant or lease shall be substantially in the prescribed form and shall state that the title to the land conveyed thereby shall revert to the Crown if the land is not used for the purpose for which it was granted or leased or if it is applied to any other purpose.

(3) Upon proof that any land described in any special grant or lease has ceased to be used for the purpose for which it was granted or leased or has been applied to any other purpose or that there has been a failure to comply with any condition or to observe any covenant of the grant or lease, the Crown shall be entitled, upon application to a court of competent jurisdiction, to a decree cancelling the grant or lease and declaring the land to be vested in the Crown, free from all encumbrances; and the Crown shall not be liable to pay to any person any sum by way of compensation for improvements effected on the land subsequent to the date of the special grant or lease.

Surrender of special grants and leases.

7. Notwithstanding anything in any law other than this Ordinance, where any land has been disposed of either before or after the commencement of this Ordinance for any purpose authorized under section 6 (1), such land may, in such cases and subject to such conditions as may be approved by the Governor-General, [3] * be surrendered to the Crown by the grantee or lessee or other person for the time being entitled to the possession and management of such land; and where such grantee or lessee or other person entitled to such possession or management cannot be found or ascertained, a court of competent jurisdiction may, on the application of the Attorney-General and after such inquiry as the court deems fit, by order authorize any

* Powers of Governor-General delegated.—Gazettes Nos. 10,013 of 2nd September, 1949, and 10,127 of 21st July, 1950.

M51—J. N. R 7598 (4/60)

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suitable person to execute the instrument of surrender ; and, upon the execution of any such instrument by such grantee or lessee or other person entitled to the possession and management of such land, or by any person so authorized, the land so surrendered shall vest in the Crown free from all encumbrances.

Execution and contents of instruments of disposition.

8. (1) Every disposition of Crown land under this Ordinance must be effected by an instrument of disposition executed in such manner as may be prescribed.

(2) Regulations may be made prescribing the conditions which may be attached to dispositions of Crown land. No such condition shall be deemed to be attached to any disposition of Crown land unless that condition is inserted in the instrument of disposition relating to that land.

Survey of land to precede issue of grant or long-term lease.

9. No Crown grant and no instrument of disposition whereby Crown land is leased for any term exceeding such period as may be prescribed shall be issued under this Ordinance unless and until that land has been surveyed and demarcated to the satisfaction of the Land Commissioner.

Reservation of minerals.

10. No disposition of Crown land made under this Ordinance shall be deemed to confer any right to any mineral, mineral product or mineral oil in, under, or upon such Crown land unless otherwise expressly provided, in the instrument of disposition, and, save as so expressly provided, all such minerals, mineral products and mineral oils shall, notwithstanding any such disposition, be deemed to remain, and shall remain, the absolute property of Her Majesty.

Covenants and conditions to run with the land.

11. Where the rights under any instrument of disposition are not personal to the grantee but may be assigned by act *inter vivos* or may pass on his death to his heirs or devisees, the burden of any covenants or conditions inserted in such instrument shall run with the land and shall be binding upon the grantee and upon all persons claiming that land through, from or under the grantee.

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Minor bound by covenants and conditions of instrument executed in his favour.

12. The grantee under any instrument of disposition shall be bound by any covenant or condition inserted therein notwithstanding the fact that he was a minor on the date of the execution of the instrument or that he, or any person on his behalf, did not sign the instrument or subscribe to such covenants and conditions.

Power of Governor-General to fix, revise or remit payments due to the Crown.

13. The Governor-General[3]* may fix the payments to be made to or recovered by the Crown, either generally in any class of dispositions or specially in respect of any particular disposition, whether by way of price, rent, royalty or otherwise, and may, subject to the covenants and conditions set out in the instrument relating to any such disposition, remit, revise or waive any such payments.

Power of Governor-General to mitigate, &c., conditions in leases, &c.

14. The Governor-General[3]* may at any time mitigate or release any of the terms, covenants and conditions set out in any lease, permit or licence issued under this Ordinance and may at any time by agreement with the grantee vary or modify any such terms, covenants or conditions.

Power of Governor-General to grant extension of time for performance of covenants.

15. Unless otherwise provided in the instrument of disposition, the Governor-General[3]* may extend the time allowed to the grantee for the performance of any act, condition or covenants set out in the instrument of disposition, for such period and upon such terms as he may think fit to impose ; and the period so extended and the terms so imposed shall be deemed to be inserted in the instrument of disposition and shall have the same force and effect as a covenant or condition thereof.

Permits and licences may be personal to grantees thereof.

16. (1) Where it is provided in any permit or licence that such permit or licence is personal to the grantee thereof, all rights under such permit or licence shall be finally determined by the death of such grantee.

(2) Where it is provided in any permit or licence that such permit or licence shall be personal to the grantee thereof, the land in respect of which such

* Powers of Governor-General delegated.—Gazettes Nos. 10,013 of 2nd September, 1949, and 10,127 of 21st July, 1950.

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permit or licence was issued and all improvements effected thereon shall, on the death of the grantee, be the property of the Crown ; and no person claiming through, from or under the grantee shall have any interest in such land or be entitled to any compensation for any such improvements.

Cancellation of permits or licences.

17. (1) Where a Government Agent is of opinion that the grantee of any permit or licence has failed to observe any condition attached to any such permit or licence, he may cancel such permit or licence and eject the grantee in accordance with the procedure prescribed in sections 106 to 128 of the Land Development Ordinance which shall apply accordingly as though the grantee of a permit or licence under this Ordinance were a permit-holder under that Ordinance and as though the land which is the subject-matter of a permit or licence under this Ordinance were land alienated by a permit issued under that Ordinance:

Provided that any matter or form required by the Land Development Ordinance to be prescribed in connexion with the cancellation of a permit under that Ordinance shall, for the purpose of the application of that Ordinance to the cancellation of a permit or licence under this Ordinance, be prescribed under this Ordinance.

(2) Where a permit or licence is cancelled under subsection (1), all rights of the grantee under such permit or licence shall cease and be finally determined.

No legal claim for compensation to be founded on cancellation of permit or licence.

18. Neither the grantee nor any other person shall be entitled to any compensation or damages whatsoever by reason of the cancellation of a permit or licence under section 17 ; and no claim for compensation or damages shall in any such case be entertained by any court :

Provided that nothing herein contained shall preclude the gratuitous payment of compensation in any such case.

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Dispositions executed by grantee contrary to provisions in instrument of disposition are void.

19. Where in any instrument of disposition issued or executed either before or after the commencement of this Ordinance it is provided that any disposition of the land comprised in such instrument shall not be effected by the grantee without the prior consent or sanction of the Governor or Governor-General (as the case may be)[3] or of any specified officer of Government, any disposition executed by the grantee without such consent or sanction shall be void and inoperative for all purposes.

Rectification of errors, &c., in instruments of disposition.

20. Where it appears to a prescribed officer that any instrument of disposition (whether executed before or after the commencement of this Ordinance) contains any clerical or other error or requires amendment in respect of the description of the land comprised therein or in respect of the inscription or recital of the name or designation of the grantee or of any other material fact, such error may be rectified or such amendment may be made by an indorsement on such instrument of disposition signed by such prescribed officer and the grantee ; and any indorsement so signed shall be sufficient for all purposes to rectify the error or to effect the amendment ; and the instrument on which any such indorsement is made shall have effect as though it had been originally issued or executed as so rectified or amended.

PART II

Execution, Authentication And Registration Of Instruments Of Disposition

Use of the Public Seal of the Island.

21. An instrument of disposition need not be issued under the Public Seal of the Island except in such cases and in such circumstances as may be prescribed.

Execution of instruments of disposition.

22. Every instrument of disposition whereby any Crown land is granted or sold, or leased for a term exceeding the prescribed period, shall be signed and executed by the Governor-General.[3] Every other instrument of disposition shall be signed and executed by the prescribed officer.

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Authentication of instruments required to be signed by the Governor-General.

23. (1) The Governor-General [3] may, if he thinks fit, instead of signing the original of any instrument of disposition, cause a facsimile of his signature to be stamped thereon ; and any instrument so stamped shall be deemed to be signed by the Governor-General.[3]

(2) The facsimile of the signature of the Governor-General [3] shall be stamped on the original of any instrument by or in the presence of the Private Secretary to the Governor-General [3] or some other person authorized in that behalf by the Governor-General ; [3] and the Private Secretary or such other person shall certify on the original that the facsimile of the Governor-General's [3] signature was stamped thereon by him or in his presence, as the case may be.

Authentication of copies of instruments signed by the Governor-General.

24. (1) A copy of every instrument of disposition signed or deemed to be signed by the Governor-General [3] shall be authenticated by the signature of a prescribed officer and shall be deposited for purposes of record at the office of the Registrar of Lands of the district in which the land disposed of by that instrument is situate and at any other office which the Governor-General [3] * may from time to time appoint.

(2) A copy of any instrument authenticated in the manner prescribed in subsection (1) shall be primary evidence within the meaning of section 62 of the Evidence Ordinance of the instrument of which it purports to be a copy.

Penalty for unlawful possession or use of stamp of Governor-General's signature.

25. Any person who without the authority of the Governor-General [3] obtains possession of or uses a stamp containing a facsimile of the Governor-General's [3] signature shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees, or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

* Powers of Governor-General delegated.—Gazettes Nos. 10,013 of 2nd September, 1949, and 10,127 of 21st July, 1950.

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Registration of grants and leases.

26. (1) Every Crown grant and every instrument of disposition whereby Crown land is leased for a term exceeding the prescribed period shall, when issued, be forthwith registered at the instance of the Government Agent.

(2) No fee shall be paid or recovered for such registration.

PART III

Vesting Orders And Vested Land

Vesting orders.

27. (1) The Governor-General [3] may, by order (hereinafter referred to as a "vesting order") vest any Crown land for purposes of administration in any naval, military, air force or local authority, subject to such terms and conditions as may be specified in such order.

(2) Where Crown land is vested in any naval, military, air force or local authority, by a vesting order, any building or other structure standing or erected on such land shall be deemed to be vested in such authority by that order unless that order otherwise provides; and, where Crown land is vested in a local authority, this subsection shall have effect notwithstanding anything in the written law whereby such local authority is constituted or established.

(3) In this section, "Crown land" includes Crown land in the possession of any local authority in respect of which no vesting order has been issued under any written law or otherwise prior to the commencement of this Ordinance, notwithstanding the fact that such local authority has effected any improvements on such land or been in possession thereof for any period prior to the commencement of this Ordinance.

Vesting orders in favour of authorities which are not corporations in law.

28. Where the Governor-General [3] has by vesting order vested any Crown land in any naval, military, air force or local authority which is not a corporation in law, the Governor-General [3] may in such order specify by name or by office the person or officer to be responsible for the administration of the land so vested and for the due observance and fulfilment of the terms and conditions inserted in the vesting order; and

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the person or officer so specified in any vesting order shall have and is hereby granted full power and authority to represent, to act for, and to bind such naval, military, air force or local authority for all the purposes of this Ordinance ; and where the holder of any office has been so specified in any vesting order, he shall for such purposes be deemed to be a corporation sole with perpetual succession under the name of that office.

Title of Crown unaffected by vesting orders.

29. It is hereby declared that, notwithstanding anything in any written law other than this Ordinance, where any Crown land has been or shall be vested in any local authority whether before or after the commencement of this Ordinance and whether by or under any written law, or by vesting order, or otherwise, such land has been and is so vested for the purpose specified in the vesting order relating to such land or if no such purpose is specified, then for the purpose of administration only ; and the right and title to the soil of such land has at all times been and shall always remain in Her Majesty :

Provided that nothing in this section shall affect or be deemed to affect the title of any person to any land sold or otherwise disposed of by any local authority under and in accordance with the provisions of any written law whereby such authority was constituted or established.

Revocation of vesting order.

30. (1) The Governor-General [s] may at any time revoke a vesting order—

(*a*) at the request of the naval, military, air force or local authority in favour of which the vesting order was made ;

(*b*) where in the opinion of the Governor-General [s] there has been a breach of any term or condition subject to which the vesting order was made ;

(*c*) where in the opinion of the Governor-General [s] the contingency has occurred on the happening of which the vesting order is to cease to be in force ;

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(*d*) where in the opinion of the Governor-General [s] the period for which the vesting order is to be in force has expired ;

(*e*) where in the opinion of the Governor-General [s] the land comprised in the vesting order is required for any public purpose ;

(*f*) where in the opinion of the Governor-General [s] the local authority in whose favour the vesting order was made has failed or neglected duly to administer the land comprised in such vesting order ;

(*g*) where in the opinion of the Governor-General [s] the vesting order should be revoked in the public interest ; or

(*h*) on any other prescribed ground or in any other prescribed circumstances.

(2) No vesting order whereby Crown land has been vested in any naval, military, air force or local authority shall be revoked unless and until that authority has been afforded an opportunity of showing cause or making representations against the proposed revocation.

(3) In this section, " vesting order " means any order, document or instrument whether issued under this Ordinance or under any other written law or otherwise either before or after the commencement of this Ordinance.

No compensation payable upon revocation of vesting order

31. (1) Subject to the provisions of subsections (2) and (3), where a vesting order has been revoked under section 30, no compensation for improvements effected on the land comprised in such vesting order shall be paid or payable to any naval, military, air force or local authority or to any other person ; and no claim against the Crown for compensation or damages shall be entertained by any court.

(2) Nothing in subsection (1) shall preclude the gratuitous payment of compensation in any particular case.

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(3) Subsection (1) shall have no application in a case where the vesting order which is revoked under section 30 makes provision for the payment of compensation for improvements effected on the land comprised in such vesting order.

Surrender of vested lands.

32. Any naval, military, air force or local authority may at any time surrender to Her Majesty any Crown land vested in such authority under this Ordinance or by or under any written law other than this Ordinance. Such surrender shall be effected by an instrument executed by the authority concerned or by the person entitled to act on behalf of such authority.

Effect of revocation of vesting order or surrender of vested land.

33. Upon the revocation under section 30 of a vesting order relating to any land, or upon the surrender under section 32 of any land vested in any naval, military, air force or local authority such land shall revest in Her Majesty who will resume the administration thereof; and the interest of the naval, military, air force or local authority, as the case may be, in that land shall thereupon cease and be determined.

Written law enacted for protection of Crown lands to apply equally to lands vested in a local authority.

34. (1) The provisions of any written law relating to the protection, preservation or survey of Crown land, the demarcation of the boundaries of such land, the removal of encroachments and the ejectment of persons encroaching or trespassing thereupon, shall be applicable to any Crown land vested in a local authority notwithstanding that the written law by or under which such local authority is constituted or established may make special provision in regard to such matters.

(2) The Governor-General [3] may, by Order published in the Gazette, specify the provisions of written law referred to in subsection (1); and any provision of written law so specified shall for all purposes be deemed to fall within the category of the laws referred to in that subsection.

(3) In order to enable a local authority to take action under any written law referred to in subsection (1) and for the purpose of the application of such law to

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Crown land vested in a local authority, the Governor-General [s] may, in any Order published under subsection (2), provide that any written law specified in that Order shall be applicable to Crown land vested in a local authority subject to such modification, adaptation, alteration or amendment of such written law as may be prescribed in such Order; and such law as so modified, adapted, altered or amended shall have application accordingly; and every such Order shall be as valid and effectual as if it were herein enacted.

(4) This section shall apply to all Crown land vested in a local authority whether before or after the commencement of this Ordinance and whether by or under any written law or otherwise.

(5) Nothing in this section shall affect or be deemed to affect any provision of any written law by or under which any local authority is constituted or established.

Survey of Crown land vested in a local authority on requisition of Land Commissioner.

35. (1) Any local authority in which any Crown land is vested shall, when so required by the Land Commissioner, cause that land to be surveyed by the Surveyor-General at its own expense; and the Surveyor-General is hereby required to survey that land and to prepare and furnish a plan thereof, on proof to his satisfaction of the requisition made by the Land Commissioner to the local authority and on prepayment by the local authority of the cost of such survey and plan.

(2) A local authority shall, upon receipt of a plan prepared by the Surveyor-General under subsection (1), forthwith transmit such plan or a certified copy thereof to the Land Commissioner.

(3) Where a local authority has been required by the Land Commissioner under subsection (1) to cause any land to be surveyed by the Surveyor-General and has, in the opinion of the Land Commissioner, failed or neglected to comply with such requisition or to prepay to the Surveyor-General the cost of the survey, the Land Commissioner may cause such survey to be made by the Surveyor-General and shall certify the cost thereof to the local authority; and upon the issue

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of any such certificate, the local authority shall be liable to pay the amount of the cost specified in the certificate and such amount shall, until paid, be a charge on the rates, revenue and funds of the local authority.

Part III not to apply to land acquired under the Land Acquisition Ordinance or Act and thereafter vested in any authority.

36. Nothing in the preceding provisions of this Part shall apply to any land acquired by the Crown under the provisions of the Land Acquisition Ordinance, 1876,* or the Land Acquisition Act and thereafter vested in any naval, military, air force or local authority on payment, by such authority, of the cost of such acquisition or of the compensation awarded on such acquisition.

PART IV

Crown Lands Vested In Village Committees

Village Committees to furnish schedules of Crown lands claimed to be vested under section 31 of Village Communities Ordinance.

37. Every Village Committee shall, on or before the prescribed date, transmit to the Government Agent in the prescribed form a schedule containing the prescribed particulars of all Crown lands which the Village Committee claims is vested in such Committee by section 31 of the Village Communities Ordinance.

Recommendation of Government Agent on claim preferred and notification thereof to Village Committee.

38. (1) On receipt of the schedule transmitted to him under section 37, the Government Agent shall, after such inquiry as he may deem necessary, recommend to the Minister[1] that such claim should be admitted or rejected or should be modified in such manner as may be set out in the recommendation.

(2) A copy of the recommendation made by the Government Agent under subsection (1) shall be sent by registered post by letter addressed to the Chairman of the Village Committee and shall be deemed to be served on the Village Committee on the date on which such letter would ordinarily be delivered to the Chairman.

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* Repealed by Act No. 9 of 1950.

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Appeal to Minister.

39. A Village Committee dissatisfied with the recommendation made by the Government Agent under section 38 may, within thirty days of the service of a copy of such recommendation to the Committee, appeal therefrom to the Minister.[1]

Powers of Minister on appeal.

40. On an appeal preferred by a Village Committee, the Minister[1] may—

(1) allow the appeal and reverse the recommendation of the Government Agent ; or

(2) direct further enquiry to be made or information to be furnished or evidence to be taken ; or

(3) modify the recommendation made by the Government Agent ; or

(4) affirm the recommendation of the Government Agent.

Procedure where Minister desires further evidence or information.

41. Where the Minister[1] acts under paragraph (2) of section 40, the decision of the Minister[1] shall be communicated to the Government Agent, who shall forthwith comply with the direction of the Minister.[1]

Decision of Minister to be submitted to Governor-General for confirmation.

42. Where the Minister[1] acts under paragraph (1) or paragraph (3) or paragraph (4) of section 40, the decision of the Minister[1] shall be submitted to the Governor-General[6] for confirmation.

Where no appeal, recommendation of Government Agent to be submitted to Governor-General for confirmation.

43. Where no appeal has been preferred by a Village Committee, the recommendation of the Government Agent shall be submitted to the Governor-General[6] for confirmation.

Governor-General's order on all claims to be final and conclusive.

44. The Governor-General[6] may, on the submission to him of a decision of the Minister[1] under section 42 or of the recommendation of the Government Agent under section 43, order that such decision or recommendation be confirmed or make such other order thereon as he may deem fit ; and such order shall be final and conclusive for all purposes.

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Vesting orders to be issued on establishment of claim of Village Committee.

45. A vesting order under section 27 shall be issued in favour of the Village Committee for any Crown land in respect of which the claim of that Village Committee has been established as herein before provided.

Failure to claim Crown land is presumptive proof that such land is not vested under section 31 of Village Communities Ordinance.

46. Where no claim has been preferred under this Part by a Village Committee in respect of any Crown land, it shall be presumed for all purposes that such land is not vested in that Village Committee under section 31 of the Village Communities Ordinance.

PART V

Special Leases By Local Authorities Of Lands Vested In Such Authorities

Special leases by local authorities of lands vested in such authorities.

47. (1) A local authority may, with the sanction of the Minister [1] granted generally in respect of any class of cases or specially in any particular case, lease any land vested in such authority by or under this Ordinance or any other written law, subject to the condition that all or any of the provisions of Chapters V, VI, VII, VIII and IX of the Land Development Ordinance shall apply to the land leased by the local authority as to a protected holding alienated under that Ordinance ; and upon the lease of any land subject to such condition, the provisions of the Land Development Ordinance specified in the instrument of lease shall apply accordingly ; and for the purposes of such application, the lease shall be deemed to be an alienation, the leased land shall be deemed to be a protected holding and the lessee the owner of that holding, and the Chairman of the local authority shall be deemed to be the Government Agent and may exercise, discharge or perform in respect of the leased land or the lessee any power, duty or function vested in, imposed upon or assigned to the Government Agent under the Land Development Ordinance.

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(2) The sanction of the Minister [1] shall be sufficient to enable any local authority to lease in the manner set out in subsection (1) any land vested in such authority notwithstanding anything in any written law whereby such local authority is constituted or established and notwithstanding the absence in any such written law of any provision conferring on such local authority the power to hold or lease land.

(3) Every instrument of lease under subsection (1) shall contain a recital to the effect that the Minister [1] has granted his sanction to the lease and from such recital it shall be presumed, until the contrary is proved, that the sanction of the Minister [1] to the lease was duly obtained.

Cancellation of Karaiyur slum area leases and provision for issue of new leases.

48. (1) Where, in any indenture of lease executed prior to the commencement of this Ordinance by the Urban Council of Jaffna, provision has been inserted that the lessee shall hold the leased land until such time as legislation for the cancellation of that lease is enacted or for a term of years or until the death of the lessee, whichever event is earlier, this Ordinance shall be deemed to be the legislation referred to in that indenture of lease; and every such lease which has not been determined prior to the commencement of this Ordinance in accordance with the said provision or any other provision contained in the indenture creating such lease is hereby cancelled; and such cancellation shall be binding on the lessor and on the lessee and on the nominee, if any, of the lessee under the indenture of lease and on every person claiming or purporting to claim from, through or under the lessee.

(2) Every lessee whose lease is cancelled under subsection (1) shall be entitled to obtain from the Urban Council of Jaffna a lease for the same land as that demised to him under the lease so cancelled.

In this subsection, "lessee" includes the nominee of a lessee who had died prior to the date of the commencement of this Ordinance in a case where no indenture of lease has been executed in favour of such nominee prior to that date.

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(3) For the purposes of the application of the provisions of section 47 to any lease referred to in subsection (2), the land leased and demised by His Majesty to the Urban District Council of Jaffna, by the indenture of lease more particularly described in the First Schedule, for the purpose of housing people resident within the area commonly called the Karaiyur slum area within the town of Jaffna, shall be deemed to be land vested in the Urban Council of Jaffna by this Ordinance ; and it is hereby declared that the sanction of the Minister [1] is granted for the execution of all such leases and that a recital of the grant of such sanction may be made in any indenture executed for the purpose of any such lease.

(4) Save as herein before provided, any lease executed by the Urban Council of Jaffna and referred to in subsection (1) and the lease by His Majesty to the Urban District Council of Jaffna referred to in subsection (3) and the terms, conditions, covenants, provisions and stipulations of any indenture whereby any such lease was created, shall have the same force and effect and shall bind both the lessor and the lessee mentioned in any such indenture to the same extent as though this Ordinance had not been enacted.

PART VI

RESERVATIONS

Constitution of Crown reservations.

49. Subject as hereinafter provided, the Minister [1] may, by Notification published in the Gazette, declare that any Crown land is constituted a Crown reservation for any one or more of the following public purposes :—

(1) the protection of the source, course or bed of any public stream ;

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(2) the protection of springs, tanks, reservoirs, lakes, ponds, lagoons, creeks, canals, aqueducts, *elas*, channels (whether natural or artificial), paddy fields and land suitable for paddy cultivation ;

(3) the protection of the foreshore ;

(4) the construction or protection of roads, paths, railways and other means of internal communication ;

(5) the construction or protection of quays, landing places, hospitals, burial grounds, cemeteries, markets, schools, libraries, museums or other public works ;

(6) the prevention of the erosion of the soil ;

(7) the preservation of water supplies ;

(8) the defence of Ceylon ;

(9) any other prescribed purpose :

Provided that no Crown land shall be so constituted a Crown reservation unless that land—

(*a*) has been surveyed and depicted on a plan prepared by or under the authority of the Surveyor-General ; and

(*b*) has been declared to be the property of the Crown under the Land Settlement Ordinance or under any enactment repealed by Ordinance No. 20 of 1931 ; or

(*c*) has been declared to be the property of the Crown by a decree of court in a reference case under the Waste Lands Ordinances, 1897 to 1903 ; or

(*d*) has been acquired by the Crown under the provisions of the Land Acquisition Ordinance, 1876, or the Land Acquisition Act ; or

(*e*) has been resumed by the Crown under the provisions of the Lands Resumption Ordinance.

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Crown reservations for public streams.

50. Subject as hereinafter provided and without prejudice to the powers conferred by section 49, any Crown land which is immediately adjacent to a public stream and lies within a prescribed distance therefrom measured in such manner as may be prescribed shall, for the purposes of this Ordinance, be deemed to be a Crown reservation constituted by Notification under section 49 ; and all the provisions of this Part shall apply accordingly to any such reservation :

Provided that this section shall not apply to any Crown land unless such land falls within the category of any class of land referred to in paragraphs (*b*), (*c*), (*d*), and (*e*) of the proviso to section 49.

Cancellation of Crown reservations.

51. The Minister [1] may, by Notification published in the Gazette, declare that any Crown reservation (other than a road reservation) shall cease to be a Crown reservation with effect from a date to be specified in the Notification.

Title to Crown reservations cannot be acquired by possession or user.

52. No person shall, by possession or user of any Crown reservation after the commencement of this Ordinance, acquire any prescriptive title to any such reservation against the Crown ; and neither the Prescription Ordinance nor any other law relating to the acquisition of rights by virtue of possession or user shall apply to any such reservation after the commencement of this Ordinance.

Crown not liable to pay compensation for improvements effected on reservations after commencement of Ordinance.

53. Subject as hereinafter provided, no person shall be entitled to any compensation from the Crown in respect of any improvements effected at any time after the commencement of this Ordinance on any Crown reservation ; nor shall any claim for any such compensation be at any time entertained by any court :

Provided that nothing herein contained shall affect or be deemed or construed to affect the right of any person to claim or receive compensation from the

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Crown in respect of any improvements effected on any Crown reservation after the commencement of this Ordinance under or by virtue of a contract with the Crown expressly providing for the payment of compensation in respect of such improvements.

Summary ejectment of offenders in unlawful possession of Crown reservations.

54. (1) Where any person who has been convicted under any written law for the time being included in the Second Schedule of any offence committed in or upon a Crown reservation is in occupation or possession of that reservation or any part thereof, a Magistrate having local jurisdiction over the area in which such offence was committed shall, on the application of the Government Agent, by order direct the Fiscal or a police officer to eject such person from that reservation and to deliver possession thereof to the Government Agent or to his representative.

(2) A Fiscal or police officer charged with the execution of an order of ejectment made by a Magistrate under this section shall comply with the directions of the Magistrate and shall make due return in the prescribed form furnishing the prescribed particulars relating to the execution of the order.

(3) In the execution of an order of ejectment a Fiscal or police officer or any other officer authorized by or accompanying the Fiscal or police officer may use such force as may be necessary to eject from the Crown reservation the offender against whom the order is made and any other person in possession or occupation of such reservation or part thereof on behalf or on account of the offender and to deliver possession of the reservation to the Government Agent or to his representative :

Provided that in a case where an appeal lies against the conviction of the offender, he shall not be ejected until the conviction has been affirmed in appeal or, if no appeal is preferred, until after the expiry of the time within which such appeal could have been preferred.

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PART VII

Road Reservations

Road reservations.

55. The following classes of Crown land shall be deemed to be road reservations for the purposes of this Ordinance :—

(1) Crown land which is landmarked and described as a road reservation in any land-sale or other notice published in the Gazette prior to the commencement of this Ordinance under the hand of the Governor, the Colonial Secretary, the Land Commissioner, or any other officer of the Government ;

(2) Crown land which is shown or depicted as a road reservation in any plan prepared by or under the authority of the Surveyor-General prior to the commencement of this Ordinance ;

(3) Crown land constituted a Crown reservation for a road or path by Notification of the Minister [1] under section 49 ;

(4) Crown land adjoining any road and reserved for the protection or benefit of that road ;

(5) all waste land which, not being private property, lies within a distance of 33 feet of the middle of a public carriageway or cartway or within 10 feet of the middle of a public pathway ;

(6) Crown land marked off and reserved for the construction of a path or road.

Cancellation of road reservations.

56. Subject as hereinafter provided and notwithstanding anything in any written law other than this Ordinance, the Minister [1] may, by Notification published in the Gazette, declare that any land shall cease to be a road reservation :

Provided that such declaration shall not be made except in such circumstances and in such cases as may be prescribed.

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Lease of road reservations.

57. Subject as hereinafter provided and subject to the provisions of any written law by or under which any local authority is constituted or established—

(1) a road reservation not situate within the administrative limits of any local authority may be leased by the Government Agent ;

(2) a road reservation situate within the administrative limits of a local authority and not vested in that local authority may be leased by the Government Agent ;

(3) a road reservation situate within the administrative limits of a local authority and adjoining any public thoroughfare referred to in section 44 (2) of the Urban Councils Ordinance may be leased by the Government Agent with the sanction of that local authority ;

(4) a road reservation situate within the administrative limits of a local authority and vested in that local authority may be leased by that local authority with the sanction of the Government Agent :

Provided that no road reservation referred to in paragraph (1) or paragraph (2) or paragraph (3) and adjoining a thoroughfare deemed to be a principal thoroughfare for the purposes of the Thoroughfares Ordinance shall be leased by the Government Agent except with the approval of the Director of Public Works and the sanction of the local authority, where such sanction is required by the preceding provisions of this section.

PART VIII

The Foreshore

Administration of foreshore vested in the Crown.

58. The administration, control, custody and management of the foreshore are hereby declared to be vested in the Crown.

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Regulation of user of foreshore.

59. Regulations may be made for the restriction and control of the use of the foreshore by members of the public.

Government authorized to construct works on foreshore, &c.

60. The Governor-General[3] * is hereby authorized—

(1) to construct quays, wharves, jetties or other public works along or out from the foreshore or in the bed of the sea adjacent thereto ;

(2) to dredge the bed of the sea ;

(3) to reclaim any part of the foreshore or bed of the sea ;

(4) to erect buildings on any areas of land reclaimed from the sea ; and

(5) to lease or otherwise dispose of any such reclaimed area.

Power to lease foreshore and sea-bed.

61. The Governor-General[3] * may lease any part of the foreshore or bed of the sea if he is satisfied, after such inquiry as he may deem necessary, that such lease will not substantially prejudice the rights of the public thereto.

Power to issue permits for temporary occupation of foreshore and sea-bed.

62. A Government Agent or other prescribed officer may issue permits for the occupation for any period not exceeding one year of any part of the foreshore or bed of the sea.

Power to declare area from which sea sand, &c., may not be removed.

63. (1) The Minister[1] may, by Notification[1] published in the Gazette, declare[1] any part of the foreshore as an area from or over which no sand, stone, coral or other substance shall be removed ; and thereupon no person shall remove from such area or from the bed of the sea adjacent thereto to a distance of one mile from the foreshore any sand, stone, coral or other substance without a licence from the Government Agent or other prescribed officer.

* Powers of Governor-General delegated.—Gazettes Nos. 10,013 of 2nd September, 1949, and 10,127 of 21st July, 1950.

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(2) Every such licence shall specify and define, as far as practicable, the place from which sand, stone, coral or other substance may be removed, and may set forth such prescribed terms and conditions (including a condition as to the payment of fees or money) subject to which sand, stone, coral or other substance may be removed.

Power of Government Agent to prohibit removal of sand, &c., from any particular place on foreshore.

64. It shall be lawful for a Government Agent to prohibit the removal of sand, stone, coral or other substance from any place on the foreshore adjoining or near any public road, thoroughfare, public work or public building, or adjoining or near any part of the Ceylon Government Railway, if such removal is, in his judgment, likely to injure such road, thoroughfare, public work, public building or railway; and he shall cause notice of such prohibition to be given by such means as shall seem to him likely to give sufficient publicity thereto.

Penalty for unlawful removal of sand from foreshore, &c.

65. Any person who in contravention of the provisions of section 63 or contrary to the terms of any licence issued under that section, or in contravention of a prohibition under section 64 removes any sand, stone, coral or other substance, or causes, or assists in, such removal, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees, or to imprisonment of either description for a period not exceeding three months, or to both such fine and imprisonment.

Meaning of "removal of sand", &c.

66. The removal of sand, stone, coral or other substance contemplated by sections 63, 64 and 65 shall include the doing of any act upon any property, whether belonging to any person or persons whomsoever or otherwise, which causes the disturbance or displacement of sand, stone, coral or other substance on or from any place on the foreshore or bed of the sea aforesaid.

Appeals to the Minister.

67. In any case in which a Government Agent has refused to issue a permit under section 62 or a licence under section 63, or has issued any such permit

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or licence subject to a condition to which objection is taken by the holder of the permit or licence, or has issued a prohibition under section 64, an appeal shall lie by any person aggrieved to the Minister : [1]

Provided that every such appeal shall be made within twenty-one days of such refusal, or imposition of condition, or prohibition, as the case may be ;

Provided, further, that such appeal shall not affect the validity of any such prohibition pending the consideration of the appeal.

Proclamations and prohibitions issued under Seashore Protection Ordinance deemed to be in force under this Ordinance.

68. (1) Any Proclamation issued under section 2 of the Seashore Protection Ordinance, No. 12 of 1911,* and in force immediately prior to the commencement of this Ordinance shall continue in force and have effect as though it were a Notification [1] issued under section 63.

(2) Any prohibition issued under section 4 of the Seashore Protection Ordinance, No. 12 of 1911,* and in force immediately prior to the commencement of this Ordinance shall continue in force and have effect as though it were a prohibition issued under section 64.

Saving as to rights to foreshore.

69. Nothing in the preceding provisions of this Part shall be or be construed in derogation of any of the powers or rights of the Crown in respect of the foreshore, or the soil of the foreshore, or the territorial waters of Ceylon.

PART IX

Regulation And Control Of The Use Of The Water Of Lakes And Public Streams

Interpretation of Part IX.

70. In this Part, unless the context otherwise requires—

"lake" includes a lagoon, swamp or other collection of still water, whether permanent or temporary, not being water contained in an artificial work ;

* Repealed by Ordinance No. 8 of 1947.

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"private lake" means a lake which is situate entirely within the boundaries of any private land;

"private stream" means any stream the source and entire course of which is within private land;

"public lake" means any lake other than a private lake;

"public stream" means any stream other than a private stream;

"stream" includes any river, creek or *ela*, whether perennial or intermittent, flowing in a natural channel, and any affluent, confluent or branch into or from which the stream flows;

"work" includes any dam, lock, tank, reservoir, weir, flume, race, channel (whether an artificial channel or a natural channel artificially improved), and any cutting, tunnel, pipe, sewer and any machinery and appliances.

Tanks may be declared as lakes.

71. The Minister [1] may, by Notification [1] published in the Gazette, declare that any tank or reservoir described in that Notification [1] shall be a lake for the purposes of this Part notwithstanding that such tank or reservoir is an artificial work; and, upon the publication of any such Notification, [1] any reference in this Part to a lake shall be deemed to include a reference to the tank or reservoir described in that Notification. [1]

Right of Crown in waters of public lakes and streams.

72. The right to the use and flow and to the management and control of the water in any public lake or public stream shall, subject to the restrictions hereinafter mentioned, vest in the Crown. And in the exercise of that right, the Crown, by its officers and servants, may enter any land and take such measures as may be thought fit or as may be prescribed for the conservation and supply of such water as aforesaid and its more equal distribution and beneficial use and its protection from pollution, and for preventing the unauthorized obstruction of public streams.

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Restrictions to right of the Crown.

73. The right vested in the Crown by section 72 shall be subject to the following restrictions :—

(1) it shall not be exercised in contravention of any right conferred on and lawfully exercisable by any person, company, corporation, board, or local authority by or under any written law other than this Ordinance or of any licence granted by the Crown ;

(2) it shall be subject to the rights of the occupiers of land on the banks of public lakes and public streams as hereinafter defined ;

(3) it shall be subject to the rights of the holders of permits issued under this Part of this Ordinance.

Compensation for extinction of prescriptive right to use water in public lake or public stream.

[§ 2, 9 of 1947.]

74. (1) Where the right of the owner of any land on the bank of a public lake or public stream to use the water in that lake or stream for any purpose on that land, being a right acquired under any law relating to the acquisition of rights by virtue of user, is extinguished by the operation of section 72, such owner shall have a claim for compensation from the Crown for the actual loss suffered by him as a result of the extinction of such right.

(2) Every claim for compensation under subsection (1) shall be made in writing addressed to the Land Commissioner and specifying—

(*a*) the name and address of the claimant,

(*b*) the facts on which the claimant relies to prove the claim, and

(*c*) the amount of the compensation claimed and the manner in which or the principles according to which that amount has been computed or estimated.

(3) No claim under subsection (1) shall be entertained by the Land Commissioner unless it has been preferred within one year after the commencement of this Ordinance.

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(4) After consideration of each written claim entertained by him, the Land Commissioner—

(*a*) shall inform the claimant, by registered letter sent by post to the claimant, whether the claim is admitted in whole or in part or is not admitted by the Crown, and,

(*b*) if the claim is admitted whether in whole or in part, shall tender to the claimant the amount claimed by him or, as the case may be, the amount which the Crown is willing to pay as compensation.

(5) Where a claimant is aggrieved by the refusal of the Crown to admit the claim or by any reduction of the amount claimed by him as compensation, he may institute an action for enforcing the claim or for recovering the full amount in the District Court having local jurisdiction over the place where the right in respect of which the claim is made is alleged to have been exercised by him.

(6) No action under subsection (5) shall be maintainable by a claimant unless it has been instituted within one year after the receipt by him of the letter referred to in subsection (4).

Rights of riparian proprietors.

75. The occupier of land on the bank of any public lake or public stream shall have the right to use the water in that lake or stream for domestic purposes, for the purpose of watering cattle or other stock and for agricultural purposes, subject to the condition that the water to be used for any of the said purposes shall not be diverted through a channel, drain or pipe or by means of a pump or other mechanical contrivance, but shall be removed in a bucket or other receptacle.

Crown is owner of bed of public lake or stream.

76. It is hereby declared that the bed of a public lake or public stream is the property of the Crown :

Provided that nothing in the preceding provisions of this section shall affect or be deemed to affect the rights of any person claiming through or under any instrument of disposition executed before the commencement of this Ordinance.

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Permits to divert water and construct works and bridges.

77. (1) Subject as hereinafter provided, no person shall—

(*a*) divert any water from a public lake or public stream ; or

(*b*) construct or maintain any work in, or upon the bank of, any public lake or public stream ; or

(*c*) construct or maintain any bridge or causeway in or over a public lake or public stream,

except under authority of a permit issued, on behalf of the Crown, by the Government Agent or other prescribed officer :

Provided that no permit shall be required to authorize any person to divert any water from a public lake or a public stream in any case where such person is entitled so to divert such water under the Irrigation Ordinance or the provisions of any other written law.

(2) Every such permit shall be in such form and contain such conditions and provide for such payments as may be approved by the Land Commissioner either generally or in the circumstances of any particular case.

Matters to be taken into account in considering an application for a permit under section 77.

78. In considering an application for a permit under section 77, the Government Agent shall have regard to the following matters :—

(1) the rights of riparian proprietors who are likely to be affected by the issue of the permit ;

(2) the interests and requirements of the Crown and of any local authority concerned ;

(3) the probability that the grant of the permit may prejudicially affect any work or proposal contemplated or undertaken by the Crown or by any local authority ; and

(4) any other prescribed matter.

Advisory board.

79. The Minister [1] may appoint an advisory board to assist the Government Agent in the consideration of applications for permits under section 77. Any such

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advisory board may be appointed generally for any province or other area or to assist in the consideration of an application in any particular case.

Communication of Government Agent's decision to applicant for permit

80. (1) The Government Agent shall, after consideration of an application for a permit under section 77, inform the applicant by letter whether his application has been allowed or disallowed ; and where such application has been allowed, the Government Agent shall, together with such letter, transmit the permit to the applicant.

(2) An applicant who has made application for any permit under section 77 and is aggrieved by the disallowance of his application or by the insertion of any term or condition in the permit issued to him may, subject as hereinafter provided, appeal against such disallowance or the insertion of such term or condition to the Minister[1] within one month of the receipt of the letter referred to in subsection (1) :

Provided that no such appeal shall be made to, or entertained by, the Minister[1] in any case where the applicant has applied to the District Court for a declaration under section 81.

(3) The Minister[1] may, upon an appeal preferred under subsection (2), by order—

(*a*) affirm the order or disallowance made by the Government Agent ; or

(*b*) reverse such order and direct that a permit be issued to the applicant, containing such terms and conditions as the Minister[1] may determine ; or

(*c*) affirm the insertion of any term or condition in any permit issued to the applicant, or modify or vary any term or condition inserted in any such permit, or direct that any such term or condition be omitted from such permit.

(4) Every order made by the Minister[1] upon an appeal preferred under subsection (2) shall be final and conclusive ; and it shall be the duty of the Government Agent to take all such action as may be necessary to give effect to such order.

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Right of aggrieved applicant to appeal to District Court.

81. (1) An applicant who has made application for a permit to divert any water from a public stream and is aggrieved—

(*a*) by the disallowance of his application by the Government Agent ; or

(*b*) by the insertion of any term or condition in the permit issued to him,

on the ground that the diversion, or proposed diversion of the water in question is not in excess of his legal rights or that the said term or condition is in derogation of his legal rights, may, subject to the provisions of subsection (2), apply, within one month of the receipt of the letter referred to in section 80, to the District Court having local jurisdiction over the place where the water is to be diverted from that public stream for a declaration of his legal rights in the matter in question ; and such District Court shall have power, on such application, after notice to the Government Agent and after such inquiry as the court may deem necessary, to declare such rights and to give all necessary directions with regard to such permit and the terms and conditions thereof so as to secure the legal rights of the applicant ; and the Government Agent shall comply with and give effect to the directions of the District Court, whose order shall be final and not subject to any appeal to the Supreme Court.

(2) No application under subsection (1) shall be made to, or entertained by, any District Court in any case where the applicant has appealed to the Minister [1] under subsection (2) of section 80.

(3) Save as provided in subsection (1), the decision of the Government Agent to allow or disallow any application and the terms and conditions of any permit issued under section 77 shall not be subject to review by or appeal to any court.

Validation of previous licences, &c.

82. Every licence, permit or other instrument issued and every agreement entered into prior to the commencement of this Ordinance which purports to authorize the commission of any act specified in paragraphs (*a*), (*b*) and (*c*) of section 77 (1) shall have

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effect as though such licence, permit, instrument or agreement were a permit issued under section 77 and as though the terms and conditions of any such licence, permit, instrument or agreement were the terms and conditions of a permit issued under that section ; and every such licence, permit, instrument or agreement shall for all purposes be deemed to be a permit issued under section 77 and is hereinafter referred to by that name.

Penalty for unlawful diversion of water of public lake or stream, &c.

83. Any person who commits any act specified in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section 77 except under authority of a permit issued or deemed to be issued under that section shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

Cancellation of permits.

84. (1) Any permit issued under section 77 or deemed to be issued under that section may be cancelled by a Government Agent—

(*a*) in the event of a breach of any term or condition inserted or deemed to be inserted in such permit ; or

(*b*) after three months' notice in writing to the permit-holder or other person lawfully exercising any rights under any such permit :

Provided that no such permit shall be cancelled in the manner provided in paragraph (*b*) of this subsection unless the commission of the particular act specified in the permit has, during a continuous period of not less than three years, been authorized by a permit or permits issued or deemed to have been issued under section 77.

(2) The provisions of subsection (1) (*b*) shall have effect notwithstanding that any permit referred to in subsection (1) contains a clause requiring notice but not specifying the period of such notice, or a clause

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requiring a period of notice greater or less than three months, or no clause for the termination of such permit whether after notice or otherwise.

(3) Any permit-holder aggrieved by the cancellation under subsection (1) of the permit issued to him may appeal against such cancellation to the Minister ;[1] and the Minister[1] may, upon such appeal, by order—

(*a*) affirm the order of cancellation, or

(*b*) reverse such order and direct that the permit shall continue in force, subject to such conditions (if any) as the Minister[1] may determine.

(4) Every order made by the Minister[1] upon an appeal preferred under subsection (3) shall be final and conclusive, and it shall be the duty of the Government Agent to take all such action as may be necessary to give effect to such order.

PART X

Recovery Of Payments Due To The Crown And Cancellation Of Instruments Of Disposition

Certificate of Government Agent.

85. A certificate to the effect that a specified sum of money was due to the Crown from a specified person on a specified date under an instrument of disposition shall, if it purports to be signed by a Government Agent, be prima facie proof of the facts stated therein, and shall be admissible as evidence of such facts in any court of law without proof of the signature of the Government Agent.

Application of summary procedure for recovery of moneys due to Crown under instruments of disposition.

86. Any money due to the Crown under any instrument of disposition may be recovered by civil action instituted by the Attorney-General by way of summary procedure under sections 703 to 711 and section 829A of the Civil Procedure Code ; and, for the purposes of such recovery and the application of the provisions of that Code, sections 703 and 829A of the Code shall have effect as though, in each of those sections, there were substituted for the words " or instrument or contract in writing for a liquidated amount of money,",

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the words " or instrument or contract in writing for a liquidated amount of money, or certificate of a Government Agent under section 85 of the Crown Lands Ordinance," :

Provided that nothing in the preceding provisions of this section shall affect or be deemed or construed to affect the right of the Crown to recover any moneys due to the Crown under any instrument of disposition in any other manner or by any other procedure prescribed by any written law other than this Ordinance.

Cancellation of instruments of disposition for nonpayment of moneys due to the Crown.

87. (1) Where in any instrument of disposition, provision is made to the effect that the disposition effected thereby may be cancelled or determined or shall cease in the event of any moneys due to the Crown under that instrument remaining unpaid for any period of time specified therein and where such moneys remain unpaid for the period so specified, the Government Agent may by endorsement on the instrument of disposition cancel the disposition effected thereby ; and such disposition shall be determined accordingly :

Provided that no such endorsement shall be made on any instrument of disposition until the person liable for the payment of moneys due under that instrument has been afforded an opportunity of showing cause against the proposed cancellation.

(2) Regulations may be made prescribing the procedure to be observed in cancelling instruments by endorsement in the manner set out in subsection (1).

Notice to issue on party in occupation to vacate land.

88. Where any instrument of disposition has been cancelled under section 87, the Government Agent may cause a notice to be served on any person in possession or occupation of the land which was disposed of by that instrument calling upon such person forthwith to vacate the land.

Ejectment where occupant fails to vacate land.

89. Where the person on whom a notice has been served under section 88 fails forthwith to vacate the land in terms of the notice, such person may be ejected from that land in accordance with the procedure pre-

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scribed under sections 120 to 127 of the Land Development Ordinance which shall apply as though the instrument of disposition were a grant under that Ordinance and as though the land disposed of by that instrument were a holding under that Ordinance.

Application of Part X to all instruments of disposition.

90. In this Part, "instrument of disposition" means an instrument of disposition executed before or after the commencement of this Ordinance.

PART XI

ADMINISTRATION

Administration of Ordinance.

91. (1) The Land Commissioner shall be the officer of Government responsible for and charged with the administration of this Ordinance.

(2) In the exercise of his powers and in the discharge of his duties under this Ordinance, the Land Commissioner shall be subject to the general direction and control of the Minister.[1]

Powers of Land Commissioner.

92. (1) Any officer of Government entrusted with any duties in respect of Crown land shall, in the discharge of such duties, be subject to the direction and control of the Land Commissioner.

(2) Any officer of Government entrusted with any duties in respect of Crown land shall, if so directed by the Land Commissioner, refer to him for decision any question of doubt or difficulty in connexion with the discharge of such duties.

(3) Any direction or decision of the Land Commissioner shall be duly complied with or given effect to by any such officer of Government.

Appointment of officers and servants.

93. (1) There may be appointed[6] a Deputy Land Commissioner, one or more Assistant Land Commissioners, and such other officers and servants as may from time to time be required for the purposes of this Ordinance.

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(2) Subject to any general or special directions of the Land Commissioner, the Deputy Land Commissioner may exercise, perform, or discharge any power, duty, or function of the Land Commissioner under this Ordinance or under any regulation.

(3) The Land Commissioner may either generally or specially authorize any Assistant Land Commissioner to exercise, perform, or discharge any power, duty, or function of the Land Commissioner under this Ordinance or under any regulation.

All officers, &c., to be public servants.

94. The Land Commissioner and every officer and servant appointed under section 93 shall be deemed to be public servants within the meaning of the Penal Code.

PART XII

Regulations

Regulations.

95. The Minister[1] may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

Matters which may be provided for by regulation.

96. In particular and without prejudice to the generality of the powers conferred by section 95, regulations may be made for or in respect of all or any of the following matters :—

(1) any matter stated in or required by this Ordinance to be prescribed ;

(2) the administration, management, regulation, protection and control of all Crown land, Crown reservations and road reservations and the foreshore and of all waters vested in the Crown ;

(3) all forms required for the purposes of this Ordinance including the forms of grants, leases, permits, vesting orders and other dispositions of Crown land or of waters vested in the Crown ;

(4) the conditions to be attached to grants, leases, permits, vesting orders and other dispositions of Crown land or waters vested in the Crown ;

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(5) free grants of Crown land ;

(6) sales, leases and other dispositions whether generally or on preferential terms and the conditions and procedure incidental to or connected with such sales, leases and dispositions ;

(7) the alienation or other disposition of land over 5,000 feet in elevation ;

(8) the survey and landmarking of Crown land and the foreshore ;

(9) the principles on which rents or other payments under leases or permits shall be fixed and the periods after which such rents or payments may be revised ;

(10) the localities or the circumstances in which Crown land shall not be disposed of by grant ;

(11) the advertisement of sales and other dispositions of Crown land ;

(12) the exchange of Crown land for private land ;

(13) the grant of Crown land or of any rights or facilities over Crown land to the naval or military authorities or to any local authority ;

(14) leases and other dispositions of town allotments ;

(15) leases of Crown land for agricultural purposes ;

(16) special leases by local authorities of lands vested in such authorities and the terms and conditions of such leases ;

(17) appeals to the Minister[1] under Part IV or Part IX, and the procedure on and disposal of such appeals ;

(18) the grazing of cattle on Crown land and the provision of pasturage on such land ;

(19) water-supply to Crown land, and water-service schemes ;

(20) the produce of Crown land and the removal and disposal of such produce ;

(21) deposits and survey fees which must accompany applications for grants, leases, permits and other dispositions of Crown land ;

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(22) fees payable or chargeable for or in respect of all matters under this Ordinance and the recovery of fees and rents ;

(23) the alienation of the right to mine or gem in or over Crown land ;

(24) the alienation of the right to mine or gem in or over land disposed of by the Crown with a reservation to the Crown of mining or gemming rights ;

(25) the grant of facilities to use Crown land for the construction of roads, paths, trolley-ways, irrigation channels, waterways, aerial ropeways, telephone lines, pipe lines and power transmission lines or for the temporary or partial utilization of Crown land for any other purpose ;

(26) the circumstances in which Crown reservations and road reservations may be cancelled and cease to be reserved ;

(27) the lease of Crown reservations and road reservations, including the period of such leases and the terms and conditions to be attached thereto ;

(28) the grant of facilities to take water from any public lake or public stream or spring ;

(29) the method of describing Crown land in grants, leases and permits ;

(30) the preparation of diagrams to facilitate the identification of Crown land disposed of by grant, lease or permit ;

(31) the grant or other disposition of the right to chena Crown lands ;

(32) the issue of chena, *nomile,* or other permits in respect of Crown land ;

(33) appeals to the District Court under section 81 ;

(34) licences for the removal of sand or other substances from the foreshore or the bed of the sea or of any public lake or stream.

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Offences under regulations.

97. Provision may be made by regulation that the contravention of any regulation shall constitute an offence punishable with a fine not exceeding one hundred rupees or with imprisonment of either description for a period not exceeding six months, or with both such fine and imprisonment.

Regulations must be approved by Senate and the House of Representatives.

98. No regulation shall have effect until—

(*a*) that regulation has been approved by the Senate and the House of Representatives ;[1] and

(*b*) notification of such approval has been published in the Gazette.

Regulations to have statutory force.

99. Upon the publication in the Gazette of a notification to the effect that any regulation has been approved by the Senate and the House of Representatives,[1] that regulation shall be as valid and effectual as though it were herein enacted.

PART XIII

MISCELLANEOUS

Power of Governor-General to take lands on lease.

100. It shall be lawful for the Governor-General[3]* to take any land or building on lease on such terms and conditions as the Governor-General[3]* may deem proper or reasonable in the circumstances of any particular case.

Disposition of Crown land over 5,000 feet in elevation.

101. No grant, lease or other disposition shall be made of any Crown land situated at an elevation exceeding 5,000 feet except in such cases and for such purposes as may be prescribed.

Title to public roads, &c., vested in the Crown.
[§ 2, 13 of 1949.]

102. It is hereby declared that—

(*a*) every public road, carriageway, cartway, pathway, path and thoroughfare ;

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* Powers of Governor-General delegated.—Gazettes Nos. 10,013 of 2nd September, 1949, and 10,127 of 21st July, 1950.

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(*b*) every bridge, drain, embankment, causeway and ditch belonging to or appertaining to a public road, carriageway, pathway, path or thoroughfare ; and

(*c*) every road reservation and Crown reservation,

is the property of the Crown.

No prescriptive title to land settled, &c.

103. Where any land—

(1) is, after the commencement of this Ordinance, declared to be the property of the Crown under the provisions of the Land Settlement Ordinance ; or

(2) is, after the commencement of this Ordinance, acquired by the Crown under the provisions of the Land Acquisition Ordinance, 1876, * or the Land Acquisition Act ; or

(3) is, after the commencement of this Ordinance, resumed by the Crown under the provisions of the Lands Resumption Ordinance ; and

(4) has, at any time prior to the date of such declaration, acquisition or resumption, as the case may be, been landmarked with boundary marks by or under the authority of the Surveyor-General or is so landmarked at any time after any such date,

no person shall, by possession or user of such land, acquire any prescriptive title thereto against the Crown.

Power of Governor-General to accept donations.

104. The Governor-General [s] may accept any donation of any land gifted to Her Majesty or to the Crown or to the Government of Ceylon or to any Government department.

Delegation of Governor-General's powers.

105. The Governor-General [s] may, in such manner and in such cases as may be prescribed, delegate to the Minister or to the Land Commissioner or other prescribed officer, any power or duty conferred or imposed upon him, or any authority vested in him, or any discretion or function entrusted or assigned to him, by or under this Ordinance.

* Repealed by Act No. 9 of 1950.

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Covenants in instruments of disposition to bind minor if it is executed with assistance of curator.

106. Any contract, covenant or agreement with the Crown entered into by a minor in any instrument issued or executed under this Ordinance for or in connexion with the disposition thereunder of any Crown land or of any right or interest of the Crown in any land or water shall bind such minor and shall not be avoided by reason only of his minority if such contract, covenant or agreement is so entered into by him with the assistance of a curator duly appointed by a court of competent jurisdiction or by the Government Agent as hereinafter provided.

Government Agents authorized to appoint curators.

107. A Government Agent is hereby authorized to appoint by writing under his hand, any person to be the curator of a minor for the purposes of section 106.

Alluvial and other accretions.

108. Any alluvial or other accretion to any land disposed of by the Crown by any instrument of disposition executed before or after the commencement of this Ordinance shall, together with all rights appertaining or belonging to such accretion, be the property of the Crown and is hereby declared to be vested in the Crown.

Power to inspect Crown lands after disposition.

109. The Government Agent or any officer authorized by him in writing may at any time enter and inspect any Crown land which has at any time been disposed of by grant, lease, permit or other instrument of disposition.

PART XIV

Interpretation And Savings

Interpretation.

110. (1) In this Ordinance, unless the context otherwise requires—

" air force authority " means Her Majesty's Principal Secretary of State for Air, or any person authorized by such Secretary of State to represent him for the purposes of Part III and

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includes any other person prescribed as an air-force authority for the purposes of this Ordinance ;

" commencement ", when used with reference to this Ordinance, means the 1st day of September, 1949 ;

" Crown land " means all land in Ceylon to which the Crown is lawfully entitled or which may be disposed of by the Crown and includes all rights and privileges attached or appertaining to such land ;

" Crown reservation " means a reservation constituted or deemed to be constituted under section 49 ;

" disposition", with its grammatical variations and cognate expressions, means any transaction of whatever nature affecting land or the title thereto and includes any conveyance, transfer, grant, surrender, exchange, lease or mortgage of land ;

" foreshore " means the shore of the Island of Ceylon between high-water mark and low-water mark ;

" Government Agent " includes an Additional or Assistant Government Agent and any other prescribed officer ;

" grantee " means the person to whom any Crown land or right or interest in such land is disposed of by an instrument of disposition ;

" instrument of disposition " means any instrument or document whereby any disposition of Crown land is effected and includes a grant, lease, permit or licence relating to Crown land ;

" lake " means a lake as defined in section 70 and includes any tank declared under section 71 ;

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"land" includes—

(*a*) any interest in land;

(*b*) the bed of any lake or stream;

(*c*) things attached to the earth or permanently fastened to anything attached to the earth;

(*d*) any interest in crops growing or to be grown on land;

"Land Commissioner" means the Land Commissioner appointed under section 3 of the Land Development Ordinance;

"local authority" means a Municipal Council, an Urban Council, a Town Council, a Village Committee, or any other authority prescribed as a local authority;

"military authority" means Her Majesty's Principal Secretary of State for the War Department, or any person authorized by such Secretary of State to represent him for the purposes of Part III and includes any other person prescribed as a military authority for the purposes of this Ordinance;

"mineral" includes gold, silver and precious stones;

"naval authority" means the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Northern Ireland referred to in section 5 of the Admiralty Lands Ordinance or any person authorized by such commissioners to represent them for the purposes of Part III and includes any other person prescribed as a naval authority for the purposes of this Ordinance;

"prescribed" means prescribed by this Ordinance or by any regulation made thereunder;

"public lake" means a public lake as defined in section 70;

"public stream" means a public stream as defined in section 70;

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"regulation" means a regulation made by the Minister[1] under this Ordinance;

"road reservation" means any Crown land deemed to be a road reservation under section 55;

"vesting order" means an order made by the Governor-General[4] under section 27.

(2) The use of the expression "land" in any provision of Part I or of Part XIII shall not be in derogation of any right, power or authority vested in the Governor-General[3] by any such provision to dispose of any interest in any land or to take any such interest on lease or to accept any surrender or donation of any such interest.

Savings.

111. (1) Nothing in this Ordinance shall affect the provisions of—

(*a*) the Forest Ordinance,

(*b*) the Irrigation Ordinance, and

(*c*) the Land Development Ordinance.

(2) Nothing in the Crown Land (Claims) Ordinance shall in any way abridge or affect or be deemed to abridge or affect any power or authority conferred on the Governor-General[3] by or under this Ordinance.

(3) Nothing in this Ordinance shall in any way abridge or affect or be deemed to abridge or affect the prerogative of the Crown in relation to the Crown lands and forests of Ceylon.

FIRST SCHEDULE

[Section 48.]

An indenture of lease dated the 10th and 24th days of September, 1935, whereby His Excellency Sir Francis Graeme Tyrrell, K.B.E., C.M.G., the then Officer Administering the Government of Ceylon, acting for and on behalf of his late Majesty King George the Fifth, leased and demised to the Urban District Council, Jaffna, for the purpose of housing people residing at Karaiyur within the Jaffna town within

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the area commonly called the Karaiyur slum area and thereby improving the sanitary condition of the said slum area, the following land :—

All that allotment of Crown land called Reclamation Ground in Karaiyur, within the Urban Council limits of Jaffna, Jaffna District, Northern Province, bounded as follows :—North by reclamation grounds said to be Crown, reservation along Beach Road and a road reservation ; east by reservation for a road ; south by reservation along Reclamation Road ; west by reclamation grounds said to be Crown ; containing in extent exclusive of road reservation twelve acres, three roods and ten perches and seven tenths of a perch (A12. R3. P10.7) and more particularly delineated and described in Lease Plan No. 5,764 dated the 27th day of August, 1935, authenticated by R. W. E. Ruddock, Acting Surveyor-General.

[Section 54.]

SECOND SCHEDULE

The Thoroughfares Ordinance.
The Forest Ordinance.
The Crown Landmarks Ordinance.
The Gemming Ordinance, 1890.

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CHAPTER 455

LANDS RESUMPTION

AN ORDINANCE RELATING TO LANDS ALIENATED BY THE CROWN WHICH ARE ABANDONED BY THE OWNERS THEREOF.

Ordinances
Nos. 4 of 1887,
2 of 1934,
57 of 1942,
Act
No. 22 of 1955.

[*24th January, 1887.*]

Short title.

1. This Ordinance may be cited as the Lands Resumption Ordinance.

Government Agent to publish notice calling upon owners of abandoned lands to prefer their claims.
[§ 2, 57 of 1942.]

2. (1) When any land in Ceylon which has been or which may hereafter be alienated by or on behalf of the Crown shall appear to the Government Agent to have been abandoned by the owner thereof for eight years or upwards, and such owner or any person lawfully claiming under him cannot be ascertained, notwithstanding all reasonably diligent inquiry made by such Government Agent, it shall be lawful for such Government Agent, with the sanction of the Land Commissioner, to declare by a notice to be published and to be posted on such land in the manner provided in subsection (2), that if no claim to such land is made to him by or on behalf of any person able to establish a title thereto within the period (not being less than twelve months) specified in such notice, such land shall be resumed by the Crown.

[§ 2, 57 of 1942.]

(2) Every notice under subsection (1) shall be published once at least—

[§ 2, 57 of 1942.]

(*a*) in English, Sinhalese and Tamil in the Gazette,

(*b*) in English in a local newspaper published in English,

(*c*) in Sinhalese in a local newspaper published in Sinhalese, and

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(*d*) in Tamil in a local newspaper published in Tamil;

and every such notice shall also be posted in a conspicuous place in all three languages on the land to which it refers.

When no claim is made Government Agent to report and the Minister to make order of resumption by the Crown. [§ 3, 57 of 1942.]

3. If no claim shall be made in pursuance of such notice as aforesaid, the Government Agent shall make a report to the Minister of the proceedings taken by him, which report shall contain a description of the land, together with the boundaries thereof, and shall state that no claim has been made thereto; and upon the receipt of such report, it shall be lawful for the Minister to make order that such land shall be resumed by the Crown; and the same shall thereupon be resumed by and become the property of the Crown free from all encumbrances.

Procedure when claim is made.

[§ 4, 57 of 1942.]

4. If within the period specified in such notice as aforesaid a claim shall be made, the Government Agent shall call upon the claimant to establish the same within such time as the Government Agent shall appoint, and shall inquire into such claim and record all such evidence as may be adduced before him in support thereof. The Government Agent shall thereafter make a report to the Land Commissioner of the proceedings taken by him, which report shall contain a description of the land, with the boundaries thereof, and shall set forth the nature of the claim made in respect thereof, the evidence taken in support of such claim, and the finding of the Government Agent thereon.

If the Land Commissioner be satisfied that the claim has been established, further proceedings shall cease. If claim be doubtful, reference to District Court. [§ 4, 57 of 1942.]

5. If the Land Commissioner shall, upon such report as aforesaid, or after such further inquiry as he may deem expedient, be satisfied that a prima facie right to the said land has been established, all further proceedings under this Ordinance in respect of such land shall cease; but if the Land Commissioner shall entertain any doubt as to such right, the Land Commissioner shall refer the claim to the District Court of the district in which the land is situate, and the Judge of

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such court shall thereupon fix a day for the investigation of the claim with notice thereof to the claimant and to the Attorney-General, and after hearing such evidence as the claimant or Attorney-General shall adduce, or the court may call for, the said Judge shall decide whether in his opinion such right has or has not been established, and shall make such order as to costs as he shall deem just. Every such decision, however, shall be subject to an appeal, free from stamp duty, to the Supreme Court by the Attorney-General or by such claimant, and such appeal shall be subject to the same rules which govern interlocutory appeals from District Courts.

Appeal.

6. If the decision of the District Judge, or of the Supreme Court in the event of an appeal, shall be that such right has been established, all further proceedings in respect of such land under this Ordinance shall cease ; but if such decision shall be that such right has not been made out by the claimant, it shall be lawful for the Minister to make order that the land shall be resumed by the Crown, and the same shall thereupon be vested in and become the property of the Crown free from all encumbrances.

Procedure on decision by District or Supreme Court.

Proceedings to cease or order of resumption to be made.

[§ 3, 57 of 1942.]

7. Whenever the Minister shall make an order of resumption under section 3 or section 6, a notification to that effect shall be published in the Gazette and posted on such land ; and the production of the Gazette containing such notification shall be evidence of the resumption in all legal proceedings whatsoever.

Resumption to be notified in Gazette.

[§ 3, 57 of 1942.]

Notification proof of resumption.

8. Upon any Government Agent producing or causing to be produced such notification of resumption before the District Court having jurisdiction within the district in which the resumed land is situate, it shall be lawful for such court, and it is hereby required, forthwith to issue a writ of possession directing the Fiscal or Deputy Fiscal of such district to put and place

District Court to issue writ of possession in favour of the Crown upon production of notification of resumption.

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such Government Agent or any person whom he may name in writing in possession of such land for and on behalf of the Crown, and, if need be, remove therefrom any person or persons refusing to vacate the same.

Resumed land to be appraised.

[§ 5, 57 of 1942.]

[§ 5, 57 of 1942.]

9. Every land resumed by the Crown under section 3 or section 6 shall be appraised without delay by some person or persons appointed for that purpose by the Land Commissioner, and the appraised value shall be recorded in the office of the Government Agent.

Appraised value payable to owner within thirty years.

[§ 3, 57 of 1942.]

10. If within thirty years from the date of the notification of resumption being published in the Gazette any person shall establish to the satisfaction of the Minister that he is entitled to be paid such appraised value or any part thereof, the same shall be paid to him by the Deputy Secretary to the Treasury.[1]

Power of District Judge at investigations of claims.

False evidence.

11. The District Judge when investigating any claim under this Ordinance shall have the same power of adjournment and of summoning and enforcing the attendance of claimants or witnesses, and of examining them on oath or affirmation, and of enforcing answers, and of calling for and enforcing the production of documents, as he has when dealing with cases in his ordinary civil jurisdiction ; and every person wilfully giving false evidence at any investigation held by a District Judge under this Ordinance shall be guilty of an offence, and may be tried and punished in the same manner as if he had given false evidence in a judicial proceeding.

Power of Government Agent at inquiries into claims.

12. The Government Agent while holding an inquiry under section 4 may exercise all or any of the powers vested in a commission acting under the provisions of the Commissions of Inquiry Act ; and every person who shall wilfully give false evidence before him shall be guilty of an offence, and may be tried and punished in the same manner as if he had given false evidence in a judicial proceeding.

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Form of claim under this Ordinance. Claimant to name place for service of notices.

13. Every claim made under this Ordinance to the Government Agent shall be in writing, and signed by the person making the same, and shall set forth the name and address of the claimant in full, and the place at which he is willing to accept the service of notices; and any notice put in the post addressed to the claimant at such place shall be deemed to have been duly served.

Penalties. False statement.

14. Any person who shall wilfully and knowingly insert anything that is false in any statement of claim made to the Government Agent, and any person who, for the purpose of setting up a false claim to any land subject to the provisions of this Ordinance, shall wilfully and knowingly make any false statement (not on oath or affirmation) to the Government Agent at any inquiry held under the provisions of this Ordinance, shall be guilty of an offence, and liable to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for any period not exceeding six months, or to both.

Resisting or obstructing officers.

15. Any person who shall offer any resistance or obstruction to any Fiscal or Deputy Fiscal, or to any Government Agent or other person acting under the provisions of section 8, shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a term not exceeding six months, or to both.

Defect in proceedings not to affect title of the Crown.

16. No informality or irregularity occurring in any proceedings taken under this Ordinance shall be held to invalidate or affect the title of the Crown or any purchaser or grantee from the Crown to any land resumed under this Ordinance:

Provided, however, that nothing herein contained shall prevent any person from claiming damages against the Crown if he has been substantially prejudiced by any such informality or irregularity.

Interpretation. [§ 6, 57 of 1942.]

17. In this Ordinance "Government Agent" means the Government Agent of the administrative district within which any land is situated.

M. 54——J. N. R 7598 (4/60)

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CHAPTER 456

CROWN LANDMARKS

Ordinance No. 7 of 1909.

AN ORDINANCE TO PROVIDE FOR THE ERECTION AND MAINTENANCE OF PERMANENT LANDMARKS TO DEFINE THE BOUNDARIES OF LAND ALIENATED BY THE CROWN.

[*1st January, 1910.*]

Short title.

1. This Ordinance may be cited as the Crown Landmarks Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires, the expression "Government Agent" includes an Assistant Government Agent.

Erection of Crown landmarks.

3. Whenever, after the commencement of this Ordinance any land is sold, leased, or alienated by the Crown, or is admitted or declared by any order passed under Ordinance No. 1 of 1897* or the Land Settlement Ordinance to be the property of any claimant, the Minister[1] may cause the boundaries of such land to be defined by permanent marks, in this Ordinance referred to as "Crown landmarks", of such material and size as the Minister[1] may from time to time prescribe by order in the Gazette.

Duty of owner to keep Crown landmarks in repair.

4. It shall be the duty of the owner or the person for the time being in possession or occupation of any land, the boundaries of which have been defined by Crown landmarks, to keep such landmarks in good repair, and also to define the boundary line connecting the several landmarks by keeping the same clear of vegetation.

* Repealed by Ordinance No. 20 of 1931.

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Where owner fails to keep Crown landmarks in repair.

5. (1) Whenever it appears that any Crown landmark has been removed, or is out of repair, or that the owner or occupier has failed to define or keep defined the boundary line between the landmarks, the Government Agent may call upon the owner or occupier to replace or repair such Crown landmark or to define the boundary line.

(2) Where any land is held by several persons in undivided shares, the Government Agent may call upon any one or more of the co-proprietors to replace or repair the Crown landmarks or to define the boundary line as aforesaid ; and any such co-proprietor, on producing a certificate from the Government Agent that such work has been performed to his satisfaction, may recover from his co-proprietors their proportionate share in the expense so incurred.

Service of notice.

6. (1) Notice in writing of every requisition to replace or to repair Crown landmarks or to define the boundary line shall be served in the manner prescribed by section 14 of this Ordinance, on the owner or occupier of the land requiring him to perform such work within such time as the Government Agent may think reasonable.

Landmarks for adjoining lots.

(2) Where a Crown landmark serves, or is intended to serve, as a boundary between two or more adjoining lands, the owners of which would both or all be liable to set up or repair the landmark, the requisition shall be served on the owner or occupier of each such land. Where one only of such owners has complied with the requisition, he may recover from the other owner or owners the proportionate share of the expense which he has incurred in complying with the requisition.

Certificate.

7. (1) The Government Agent shall, when Crown landmarks have been replaced or repaired or the boundary line has been defined to his satisfaction within the time prescribed in the notice, or within such further time as the Government Agent shall allow, grant a certificate to that effect to the owner or occupier.

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(2) Upon a report of the Surveyor-General or of a licensed surveyor authorized by the Surveyor-General to inspect Crown landmarks to the effect that any Crown landmarks have been properly repaired or replaced, or that any boundary line has been properly defined, the Government Agent may grant a certificate that such work has been done to his satisfaction.

Procedure where order is not complied with.

8. If after service of notice the required work is not completed within the time prescribed in the notice, it shall be lawful for the Surveyor-General on the requisition of the Government Agent to cause such work to be done, and the cost incurred thereby, and such additional sum as the Minister with the concurrence of the Minister of Finance[1] shall from time to time by rule prescribe, shall be chargeable and recoverable as hereinafter provided.

Parties may request Government Agent to set up or repair the landmarks.

9. The person on whom a notice to replace or repair Crown landmarks or to define boundaries is served may request the Government Agent to cause such landmarks to be set up or repaired, and the Government Agent may require the Surveyor-General to have such landmarks set up or repaired, and the cost shall be certified and recovered as hereinafter provided.

Procedure in case of dispute.

10. If any dispute shall arise as to the position in which any Crown landmark shall be placed, the same shall be settled by the Surveyor-General, who may direct the land to be resurveyed. The expense of any such survey shall be borne by the landowner, and shall be recovered in manner provided by section 12.

Certificate of expense.

11. The cost of setting up or repairing Crown landmarks under sections 8 and 9, and the cost of survey (if necessary) for ascertaining the true position of any boundary, shall be certified in writing by the Government Agent under his hand, and such certificate shall be held to be conclusive proof of the amount paid, and that everything necessary to be done under this Ordinance up to the time of making such certificate for the purpose of requiring the landmarks to be set up or repaired has been done as required by this Ordinance.

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Summons to show cause.

12. In the event of any person charged with the expense incurred by the Surveyor-General in setting up or repairing Crown landmarks under this Ordinance, and the expense of surveys if any, refusing or neglecting to pay the expense so incurred, a summons shall be served upon such person requiring him to show cause before a Magistrate why the said cost or proportion of cost (stating the amount) should not be paid by him, and if he fail to show such cause, or if he fail to appear, the Magistrate on proof of service of the summons and on reading the Government Agent's certificate issued under section 11 may make an order for payment of the amount.

How recoverable.

13. The amount ordered to be paid under section 12 may be recovered in the manner provided by law for the recovery of fines imposed by Magistrates, although exceeding the amount that is within their ordinary jurisdiction, and when so recovered shall be paid to the Government Agent.

Service of notices.

14. Notices under this Ordinance may be served personally on the owner or occupier or by having the same affixed in a conspicuous manner on the land to which the notice refers.

Penalty for setting up counterfeit Crown landmarks.

15. Any person who, except in any case where a Crown landmark is by this Ordinance required or allowed to be set up, sets up or causes or allows to be set up on property belonging to him or under his control or management any boundary mark resembling the Crown landmarks prescribed for the purpose of this Ordinance, intending or knowing it likely that such boundary mark will be taken for a Crown landmark, shall be guilty of an offence under this Ordinance, and shall be liable on conviction to a fine which may extend to five hundred rupees, and to simple or rigorous imprisonment for a term not exceeding six months.

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Penalty for misuse of Government broad arrow mark.

16. No person other than an officer in the civil or military service of the Crown, or a person authorized by such officer, shall engrave on or affix to any rock, stone, tree, or other object the Government broad arrow mark or any imitation thereof. Any person acting in contravention of this section shall be guilty of an offence, and shall be liable on conviction thereof to a fine which may extend to one hundred rupees.

Protection to persons acting under the Ordinance.

17. No suit, action, or legal proceedings shall lie against any person for anything done in good faith, or intended to be so done, under this Ordinance.

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CHAPTER 457

DEFINITION OF BOUNDARIES

AN ORDINANCE TO MAKE PROVISION FOR THE MORE EASILY ASCERTAINING THE BOUNDARIES OF LANDS IN CEYLON.

Ordinances Nos. 1 of 1844, 13 of 1905, 28 of 1919, 27 of 1933, 8 of 1947,
Act No. 22 of 1955.

[*17th January, 1844.*]

Short title.

1. This Ordinance may be cited as the Definition of Boundaries Ordinance.

Government Agent may demand production of title deeds.

2. It shall at any time be lawful for the Government Agent of the administrative district to demand in writing of any person claiming to be the owner of any land within the same the production of every deed, document, and instrument upon which such person founds such claim ; and if the occupier or person having the superintendence or management of any such land, not being himself the alleged owner thereof, shall refuse to give full information respecting the name and residence of such alleged owner, upon being requested so to do by the Government Agent, or if such alleged owner shall refuse to produce to the Government Agent, within ten days after being requested so to do, every deed, document, and instrument upon which he founds his claim to the said land, and which shall be in his possession, or if any such deed, document, or instrument shall not be in his possession, shall refuse fully to inform the Government Agent, upon application, in whose possession they are, or if any person having in his possession any such deed, document, or instrument shall refuse to produce the same within ten days after having been requested so to do in writing by the Government Agent, every such occupier, superintendent or manager, alleged owner, and person so refusing shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding fifty rupees.

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Trespassers, unless wilful, not liable.

3. From and after the passing of this Ordinance, no person shall be liable to any action for trespass for any entry upon any land within Ceylon, or to any action for damages in respect of any injury done to the same, if the title to such land shall be founded on any grant from the Crown, or if the person claiming to be the owner thereof shall have attached or belonging to the deed, document, or instrument by virtue of which he claims such land, a correct and authenticated survey thereof, or shall at any time have received a certificate that the Crown has no claim upon such land, unless the boundaries of such land shall be clearly defined along their whole line, or at such intervals as shall accurately show their whole line, by some wall, bank, ditch, fence, posts, stones or other sufficient landmarks or boundary, unless such trespass or injury shall have been wilfully committed.

Where party has had possession for three years of land erroneously granted by the Crown.

4. If the Crown shall have heretofore granted, or shall hereafter grant, any land which shall have been previously granted by the Crown to any party, or which shall be possessed by any subject of the Crown in manner provided by section 3 of this Ordinance, and the boundaries whereof shall not have been or shall not be clearly defined in the manner provided by the said section at the time of making such erroneous grant, and if the party to whom any such erroneous grant shall have been made shall have entered upon such land, and shall have clearly defined the boundaries thereof as aforesaid, and remained in undisturbed possession thereof for the space of three years subsequent to the passing of this Ordinance, and shall have cultivated or improved the same, the party so in possession shall be entitled to retain the land so cultivated and improved upon payment to the party having a title to the same under the original grant from the Crown, or under any other good and sufficient title, of the value of such land at the time such erroneous grant shall have been made (which value shall be determined, if necessary, by arbitration in manner hereinafter provided) : And upon such payment being made to such party, and in consideration thereof, such party is hereby required to execute a good and valid transfer of such land to the party

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so in possession thereof as aforesaid, and his heirs, upon application by and at the sole cost of the said party so in possession; and the said party so in possession shall be entitled to recover from the Crown the amount paid to the Crown in respect of such erroneous grant.

Where less than three years.

5. If the Crown shall have heretofore granted, or shall hereafter grant, any land which shall have been previously granted by the Crown to any party, or which shall be possessed by any subject of the Crown in manner provided by section 3 of this Ordinance, and the boundaries whereof shall not have been or shall not be clearly defined in the manner provided by the said section at the time of making such erroneous grant, and if the party to whom such erroneous grant shall have been made shall have entered upon such land and clearly defined the boundaries thereof, and shall have cultivated or improved the same, but shall not have remained in undisturbed possession thereof for the space of three years subsequent to the passing of this Ordinance, then the first grantee or proprietor shall not be entitled to enter upon and take possession of the land so cultivated or improved except upon payment to the cultivator or improver thereof of three-fourths of the improved value of such land, less the value of such land in its uncultivated state, such last-mentioned value to be taken to be the same as that of similar land adjoining; and such questions of value shall be determined by arbitration in manner hereinafter provided; and the party having so cultivated or improved the same shall be entitled to recover from the Crown the amount paid to the Crown by such party in respect of such erroneous grant:

Provided always that if the first grantee or proprietor of such land shall decline to enter into possession of the land so cultivated or improved, he shall be entitled to recover from the cultivator or improver thereof the value of the land and one-fourth of the value of the cultivation or improvements thereupon, such value to be determined by arbitration in manner hereinafter provided; and upon payment of such amount the said first grantee or proprietor shall, upon application by and at the cost of the party having cultivated or improved such land, execute a good and valid

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transfer thereof to such party and his heirs, and the said last-mentioned party shall be entitled to recover from the Crown the amount paid to the Crown in respect of such erroneous grant ; and

Provided further, that if it shall appear that the party having claim to such land under such first grant from the Crown, or under any other good and valid title, had full knowledge of such land being so cultivated or improved, and wilfully, fraudulently, or negligently abstained from giving notice to the party cultivating or improving the same that such land was the property of the party having such claim as aforesaid, then the party so having cultivated or improved the same shall be entitled to retain possession of such land upon the same terms and in such and the like manner as is declared in section 4 of this Ordinance in respect of parties who shall have cultivated or improved land erroneously granted to them by the Crown and shall have remained in undisturbed possession of the same for the space of three years subsequent to the passing of this Ordinance.

Where party has had possession for not less than two nor more than five years of uncultivated land belonging to another.

6. If any person shall without fraud and in perfect good faith enter upon any uncultivated land which shall be the property of any of Her Majesty's subjects, the boundaries of which shall not be clearly defined as aforesaid, and shall cultivate or improve the same, and shall remain in undisturbed possession thereof for any period not less than two nor more than five years, the proprietor of such land so cultivated or improved shall not be entitled to enter upon or take possession of the same, unless upon payment to the party by whom it shall have been so cultivated or improved of three-fourths of the improved value of such land, less the value of such land in its uncultivated state, such last-mentioned value to be taken to be the same as that of similar land in the neighbourhood ; and such questions of value shall be determined by arbitration in manner hereinafter provided :

Provided always that it shall be lawful for such proprietor, if he shall think fit, to recover from the party having cultivated or improved such land one-fourth of the value of the land, and one-fourth of the value of

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the cultivation or improvements thereupon, and upon payment of such amount to such proprietor such proprietor shall, on application at the cost of the party so having cultivated or improved such land, execute a good and valid transfer thereof to such party and his heirs ; and

Provided further, that if it shall appear that the proprietor of such land had full knowledge of such land being so cultivated or improved, and wilfully, fraudulently, or negligently abstained from giving notice to the party so cultivating or improving the same that such land was his property, such proprietor shall not be entitled to re-enter upon such land except upon payment to the party having cultivated or improved the same of the full improved value of such land, less the value thereof in its uncultivated state ; and such questions of value shall be determined by arbitration in manner hereinafter provided.

Where more than five years.

7. If any person shall without fraud and in perfect good faith enter upon any uncultivated land which shall be the property of any of Her Majesty's subjects, the boundaries of which shall not be clearly defined as aforesaid, and shall cultivate or improve the same, and shall remain in undisturbed possession thereof for upwards of five years, the proprietor of such land shall not be entitled to enter upon and take possession of such land so cultivated or improved, unless upon payment to the party having cultivated or improved the same of the full improved value thereof, less the value of the land in its uncultivated state, which last-mentioned value shall be deemed and taken to be the same as that of similar land in the neighbourhood ; and such questions of value shall be determined, if necessary, by arbitration in manner hereinafter provided :

Provided nevertheless, that such proprietor shall, if he elect so to do, have full power and authority to claim and recover from the party having cultivated or improved such land the value of such land in its uncultivated state, such value to be taken to be the same as that of similar land in the neighbourhood at the time of valuation, and to be determined, if necessary, by arbitration in manner hereinafter provided ; and upon

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payment of such amount to such proprietor, and in consideration thereof, such proprietor is hereby required to execute a good and valid transfer thereof to the party having cultivated or improved the same, and his heirs, the cost of such transfer to be borne by such party ; and

Provided further, that if it shall appear that the proprietor of such land had, at any time within such five years, full knowledge of such land being so cultivated or improved, and wilfully, fraudulently, or negligently abstained from giving notice to the party cultivating or improving the same that such land was his property, then it shall be competent to such party, upon payment to such proprietor of the value of such land when first entered upon by such party (such value to be determined, if necessary, by arbitration in manner hereinafter provided), to call upon such proprietor, and such proprietor is hereby required, to execute a good and valid transfer thereof to such party and his heirs at the cost of such party.

Proprietors of adjoining lands may call upon each other to define boundaries.

8. It shall be lawful for any subject of the Crown possessed of land in manner provided by section 3 of this Ordinance, the boundaries of which shall not be clearly defined as aforesaid, or any agent on his behalf, to call upon the proprietor or occupant of any land adjoining thereunto not being Her Majesty, Her Heirs, or Successors, or upon his agent, by notice in writing under the hand of such possessor, to be served personally on such last-mentioned proprietor, occupant, or agent, or in the event of their absence from Ceylon, or of their not being known, by affixing the same for the space of one month on some conspicuous place in every kachcheri and court-house within the district in which such land shall be situated, and upon the land itself, to cause one-half of such boundary to be made or renewed as shall require to be made or renewed, except where the liability of making or renewing such boundary or any part thereof shall by any law, custom, or agreement be otherwise determined ; and if the making or renewal of such boundary shall not be commenced within thirty days after the service of such notice, and be diligently proceeded with, such first-mentioned possessor shall be entitled to cause such half of such boundary to be made

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or renewed, and to recover twice the amount of the costs necessarily incurred therein from the party failing to make or renew his share of such boundary :

Provided always that where the land of any of Her Majesty's subjects shall adjoin land belonging to Her Majesty, it shall be competent for the Government Agent or any Assistant Government Agent of the administrative district in which such lands so adjoin, to call upon such subject, by notice to be served in manner provided in respect of the notice herein before mentioned, to make or renew the whole of such boundary, or such part thereof as shall require to be made or renewed ; and if the making or renewal of such boundary shall not be commenced within thirty days after the service of such notice, and diligently proceeded with, the said Government Agent or Assistant Government Agent shall be entitled to cause such boundary to be made or renewed, and to recover from such subject twice the amount of the costs necessarily incurred therein.

Procedure when Government Agent or Assistant Government Agent finds boundary of private land adjoining Crown land should be made or renewed.

9. Where it appears to a Government Agent or Assistant Government Agent that the boundary of land belonging to any of Her Majesty's subjects which adjoins land belonging to Her Majesty should be made or renewed in whole or in part, such Government Agent or Assistant Government Agent may, in lieu of taking action under section 8, adopt the following procedure :—

When owner of such land cannot get its boundary satisfactorily surveyed, Government Agent or Assistant Government Agent may get Surveyor-General to make survey.

(*a*) the Government Agent or Assistant Government Agent, if he is of opinion, after consultation with the Surveyor-General, that the work of making or renewing a boundary cannot be satisfactorily carried out by such subject or any surveyor employed by him, may call upon the Surveyor-General to make or renew such boundary in whole or in part and thereupon such Surveyor-General shall make or renew such boundary, as the case may be ;

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Surveyor-General shall certify cost of such survey.

(*b*) the Surveyor-General shall certify the amount of the cost of the survey to such Government Agent or Assistant Government Agent, and such certificate shall be final and conclusive ;

Payment of such cost of survey.

(*c*) such subject as aforesaid shall pay the amount so certified to such Government Agent or Assistant Government Agent, and in the event of such subject refusing or neglecting to pay such amount, a summons shall be served upon him requiring him to show cause before a Magistrate why the said amount should not be paid by him, and if he fails to show cause, or if he fails to appear, the Magistrate, on proof of service of the summons and on reading the Surveyor-General's certificate as aforesaid, may make an order for payment of the amount ;

How such cost of survey may be recovered.

(*d*) the amount ordered to be paid under the last preceding paragraph may be recovered in the manner provided by law for the recovery of fines by Magistrates, although exceeding the amount that is within their ordinary jurisdiction, and when so recovered shall be paid to such Government Agent or Assistant Government Agent as aforesaid.

Where boundaries have been made and adjoining lands subsequently purchased.

10. If any subject of the Crown possessed of land in manner provided by section 3 shall, after the passing of this Ordinance, clearly define the boundaries of his land as aforesaid before the lands immediately adjoining thereunto shall have been duly granted by the Crown, or otherwise held as private property, the owner of the land the boundaries of which shall have been so made shall be authorized to claim and recover from the person or persons who shall afterwards become the proprietor or proprietors of such adjoining lands, one-half of the actual value of the boundaries there existing between the said adjoining lands, and such value shall be determined, if necessary, by arbitration in manner hereinafter provided as soon as is practicable after such adjoining land shall have been granted by the Crown, or otherwise held as private property as aforesaid.

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Disputes to be referred to arbitration.

11. Wherever any question shall be left under the provisions of this Ordinance to be determined by arbitration, such arbitration shall be referred to two persons, one of whom shall be nominated by each of the parties, and the amount which shall be awarded under such arbitration shall, upon due proof and verification of such award before any competent court, be recovered in the same manner that such amount would have been recoverable if it had been decreed to be due by the judgment of such court :

Provided always that in case such two persons so nominated as aforesaid shall not agree in the amount of the sum to be paid within the space of one calendar month next after such reference shall be made to them, then and in such case the same shall be referred to the determination of such indifferent person as the said arbitrators by any writing under their hands shall nominate and appoint as umpire in the case, and the decision of such umpire shall be conclusive and the amount awarded by him shall be recoverable in like manner as is herein before provided in respect to the amount awarded by the original referees ;

Provided also, that in case either of the parties in difference shall neglect or refuse, for the space of one calendar month after notice in writing given by the other party for that purpose, to join in the appointment of such arbitrators as aforesaid, it shall and may be lawful for the arbitrator to be chosen by the party giving such notice to nominate another arbitrator to act with him, and the award of such arbitrators, or if they shall not agree in an award, then the award of the umpire, whom they are hereby required to nominate in like manner as herein before provided in respect of the umpire to be nominated by the original referees, shall be binding and conclusive, and the amount awarded under it be recoverable in like manner as if the party so neglecting or refusing had chosen an arbitrator who had actually joined and made an award therein.

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Disputes between respective owners as to necessity or sufficiency of boundary to be referred to arbitration.

12. In all cases where any dispute or difference shall arise between the respective owners, or persons legally possessed of such adjoining lands, as to the necessity or sufficiency of any boundary as aforesaid, then and in every such case the same shall be referred to arbitration in like manner, and shall be subject to the like award in manner herein before provided, which award shall in like manner be binding and conclusive.

Ordinance not to affect property of minors or insane persons, &c.

13. No person shall acquire any right under the provisions of this Ordinance in respect of the entry upon and cultivation of land which shall be the property, sole or joint, of any person under twenty-one years of age, or of any insane person : and

Provided further, that no person shall be subject to the liabilities herein before declared for the not making of a proper boundary to the land possessed by him, if the making thereof shall have been stayed by any order or judgment of any competent court of law.

Penalty on removing landmarks.

14. Every person who shall wilfully and knowingly remove, destroy, or efface, or attempt to remove, destroy, or efface, any landmark or boundary which shall serve to mark the limits of any land, except for the purpose of repairing the same, shall be guilty of an offence, and be liable, on conviction thereof, to payment of any fine not exceeding five hundred rupees, or to imprisonment, with or without hard labour, for any period not exceeding one year.

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CHAPTER 458

LAND SURVEYS

AN ORDINANCE TO ENLARGE THE POWER OF THE SURVEYOR-GENERAL TO DEMAND THE PRODUCTION OF DEEDS AND MAKE SURVEYS OF LANDS, AND TO FACILITATE THE PROOF OF SURVEYS.

Ordinances Nos. 4 of 1866, 2 of 1917.

[*20th October, 1866.*]

Short title.

1. This Ordinance may be cited as the Land Surveys Ordinance.

Surveyor-General, &c., may demand production of deeds.

2. It shall be lawful for the Surveyor-General, or any of his assistants, or for any person authorized in that behalf in writing by the Surveyor-General, whenever to them it shall appear necessary to do so, to demand in writing of the person claiming to be the owner of any land or premises, or of his agent, or of the occupier of any such land or premises, the production of every deed, document, or instrument upon which such person founds his claim ; and if such agent, or the occupier of any such land or premises, shall refuse to give full information respecting the name and residence of the alleged owner, and of the person by whom such agent or occupier is employed, and in whose possession the said deeds, documents, and instruments are, upon being requested so to do by the Surveyor-General, or on his behalf as aforesaid, or if such alleged owner, or agent, or occupier shall refuse to produce to the Surveyor-General, or to any person on his behalf, within ten days after being requested so to do, every deed, document, and instrument upon which he founds his claim to the said land or premises, and which shall be in his possession, or if any such deed, document, or instrument shall not be in his possession, shall refuse fully to inform the Surveyor-General, or any person on his behalf upon application, in whose possession they are ; or if any person having in his possession any such

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deed, document, or instrument shall refuse to produce the same within ten days after having been requested so to do in writing by the Surveyor-General, or on his behalf, every such agent, occupier, alleged owner, and person so refusing shall be guilty of an offence and be liable, on conviction thereof, to a fine not exceeding fifty rupees.

Demand of production of deed to include power of examination.

3. The deeds, documents, and instruments in section 2 mentioned shall be produced on the premises to which the same may relate, or at such other place as the person demanding the same may require, and the power of demanding the production thereof, in section 2 given, shall be deemed and taken to include the power of making such examination of such deeds, documents, and instruments as shall be necessary; and every person refusing or failing to permit such examination of any such deed, document, or instrument, to any party authorized under this Ordinance to demand production thereof, and making such demand, shall be liable to a fine not exceeding fifty rupees.

Surveyor-General may enter into and survey lands.

4. The Surveyor-General, or any of his assistants, or any person authorized in that behalf in writing by the Surveyor-General, may, after reasonable notice given to the occupier, enter upon any land or premises which it may be necessary for him to inspect or survey, and make such inspection and survey of the same as shall be necessary to enable such Surveyor-General, assistant, or other person to ascertain whether such land or premises belongs to Her Majesty, or is the private property of the person claiming the same, or as shall be necessary for the purpose of the discharge of any official duty of the Surveyor-General or of any officer of his department. General notice, by beat of tom-tom, an hour at least before the entry, that such entry will be made upon the lands in any village, or within any given limits, shall be deemed reasonable notice for the purposes of this Ordinance; but such form of notice shall not preclude the Surveyor-General or his assistants from adopting any other form.

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Penalty on abuse of power by Surveyor-General, &c.

5. If the Surveyor-General, or any of his assistants, or any person authorized by him as aforesaid, or any person acting under his orders, shall, under pretence of performing any duty or exercising any privilege imposed on or vested in him by or under this Ordinance, abuse his power or use unnecessary violence, or wantonly do any injury, or give uncalled for and vexatious annoyance, every such officer or person shall be guilty of an offence, and be liable to a fine not exceeding two hundred rupees.

Proof of plans signed by the Surveyor-General.

6. If any plan or survey offered in evidence in any suit shall purport to be signed by the Surveyor-General or officer acting on his behalf, such plan or survey shall be received in evidence, and may be taken to be prima facie proof of the facts exhibited therein ; and it shall not be necessary to prove that it was in fact signed by the Surveyor-General or officer acting on his behalf, nor that it was made by his authority, nor that the same is accurate, until evidence to the contrary shall have first been given.

Copies purporting to be authenticated by the Surveyor-General receivable instead of originals.

7. Any plan or survey purporting to be a true copy of one purporting to be signed as aforesaid shall, provided the said copy purport to be signed and authenticated by the Surveyor-General or officer acting on his behalf as a true copy of the original, be received in evidence in all cases and for all purposes instead of the original, and may (without proof that the original is not procurable) be taken as prima facie evidence of the truth of the facts exhibited therein as fully as that original may be under this Ordinance ; and it shall not be necessary to prove that the said copy was in fact signed or authenticated by the Surveyor-General or officer acting on his behalf, nor that it is a true copy, nor that the facts established therein are accurate, until evidence to the contrary shall have first been given.

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CHAPTER 459

CROWN LAND (CLAIMS)

Ordinance No. 21 of 1931.

AN ORDINANCE TO PROVIDE FOR THE CONSIDERATION AND DECISION OF APPLICATIONS IN RESPECT OF CLAIMS TO LANDS AT THE DISPOSAL OF THE CROWN.

[*1st July, 1931.*]

Preamble.

Whereas by Letters Patent passed under the Great Seal of the United Kingdom of Great Britain and Northern Ireland, constituting the office of Governor and Commander-in-Chief of the Island of Ceylon and its Dependencies and dated the eleventh day of September, in the eleventh year of the reign of His Majesty KING GEORGE THE FIFTH, the said Governor is empowered to make and execute, under the Public Seal of the Island, grants and dispositions of any lands which may lawfully be granted or disposed of by His Majesty within the Island :

And whereas the Settlement Officer and the several Assistant Settlement Officers appointed under the Land Settlement Ordinance, and the several Government Agents and Assistant Government Agents have, for the purpose of determining the grants and dispositions to be made and executed as aforesaid, been authorized by the Governor to investigate any claims which may be made otherwise than under that Ordinance to such lands as may lawfully be granted or disposed of by His Majesty and to shares of and interests in such lands and to make orders admitting or rejecting such claims in whole or in part and, in any case in which any claim or any part of any claim is admitted, to make an order effecting a settlement in respect of such claim or of such part of a claim on such terms and conditions as from time to time may be prescribed by general or special instructions issued under the authority of the Governor :

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And whereas it is expedient to make provision for the revision of orders so made in respect of such claims by the Settlement Officer and by the several Assistant Settlement Officers, Government Agents, and Assistant Government Agents in pursuance of the authority conferred on them as aforesaid :

Be it enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as the Crown Land (Claims) Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"claim" means any claim made otherwise than under the Land Settlement Ordinance, to land which may lawfully be granted or disposed of by Her Majesty, and "claimant" means any person making a claim ;

"interest", in relation to any land, means an interest less than the full ownership of the land ;

"Settlement Officer" means the Settlement Officer and any Assistant Settlement Officer appointed under the Land Settlement Ordinance, and any Government Agent or Assistant Government Agent ;

"share", in relation to any land, means an undivided share of the land.

Application to the board established by the Land Settlement Ordinance, for the revision of orders.

3. (1) Where the Settlement Officer, in pursuance of the authority of the Governor, investigates any claim and makes an order in relation thereto, he shall communicate such order to the claimant in writing.

(2) Any offer made under this section shall be assessed in accordance with the rules in force for the time being under section 6 of the Land Settlement Ordinance.

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(3) Any claimant who is dissatisfied with any such order made by the Settlement Officer may, within a period of one month from the day on which the order was communicated to him, apply to the board established by section 11 of the Land Settlement Ordinance, (hereinafter referred to as "the board"), to revise the order. Such application shall be made by petition addressed to the board and delivered to the Settlement Officer, who shall forward the petition to the chairman of the board.

Stamp duty on petitions.

4. (1) Stamp duty shall be chargeable in respect of petitions addressed to the board under section 3 at the rates specified in the Schedule.

(2) Every claimant to land or to a share of land who makes an application to the board under section 3 shall declare in his petition the aggregate extent of land or of the share of land in respect of which the application is made ; and stamp duty shall be chargeable in respect of such petition in accordance with the extent so declared.

(3) For the purposes of subsection (2), the extent of a share of land shall be deemed to be the equivalent divided extent of land.

(4) It shall be lawful for the board, if it thinks proper to do so, to waive the stamp duty chargeable in respect of any petition or to accept, upon such terms and conditions as it thinks fit, any petition which has not been duly stamped or to order that the whole or any part of the stamp duty paid in respect of any petition be refunded.

Powers of the board and procedure in respect of applications.

5. (1) The board may, after considering any application made under section 3 and after holding or making or ordering to be held or made any inquiry or inspection that it may think fit, confirm or revise any order made by the Settlement Officer in respect of the claim to which such application relates.

(2) The provisions of any rules made under section 11 (2) (*a*) of the Land Settlement Ordinance, so far as such rules are applicable, and the provisions of sections 11 (2) (*c*), 11 (4), 27 and 28 of the said

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Ordinance, shall apply to the holding or making of any inquiry or inspection by or by order of the board under this section and to the consideration and decision of every application made to the board under section 3 of this Ordinance, as though references to the Land Settlement Ordinance, in the said rules and sections were references to this Ordinance.

Effect to be given to decision of the board, if accepted.

6. The chairman of the board shall inform the Settlement Officer of the decision of the board in respect of every such application, and the Settlement Officer shall thereupon communicate such decision to the claimant by writing under his hand ; and if upon such decision being communicated to him the claimant signifies to the Settlement Officer that he accepts such decision, the Settlement Officer shall take such steps to give effect thereto as may be necessary.

Orders of Settlement Officer and decisions of the board not to be considered by courts.

7. No order made by the Settlement Officer under this Ordinance, and no decision or proceedings of the board in relation thereto, shall be considered or adjudicated upon by any court ; but the court shall make order according to law as if no such order or decision had been made and no such proceedings taken.

SCHEDULE

[Section 4 (1).]

CROWN LAND (CLAIMS) ORDINANCE

RATES OF STAMP DUTY CHARGEABLE IN RESPECT OF PETITIONS

1. If the claim is to the full ownership of any land or of any share of any land and the aggregate extent of land or of the share of land declared in the petition—

				Rs.	c.
Does not exceed 2 acres			..	1	0
Exceeds 2 acres, but does not exceed		5 acres	..	1	50
Exceeds 5	do.	10 acres	..	3	50
Exceeds 10	do.	20 acres	..	6	0
Exceeds 20	do.	40 acres	..	12	0
Exceeds 40	do.	60 acres	..	25	0
Exceeds 60	do.	80 acres	..	50	0
Exceeds 80	do.	100 acres	..	75	0
Exceeds 100 acres	..	..	..	100	0

2. If the claim is to an interest 5 0

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CHAPTER 460

LAND ACQUISITION

Acts Nos. 9 of 1950, 39 of 1954, 22 of 1955.

AN ACT TO MAKE PROVISION FOR THE ACQUISITION OF LANDS AND SERVITUDES FOR PUBLIC PURPOSES AND TO PROVIDE FOR MATTERS CONNECTED WITH OR INCIDENTAL TO SUCH PROVISION.

[*9th March, 1950.*]

Short title.

1. This Act may be cited as the Land Acquisition Act.

PART I

PRELIMINARY INVESTIGATION AND DECLARATION OF INTENDED ACQUISITION

Investigations for selecting land for public purpose.

2. (1) Where the Minister decides that land in any area is needed for any public purpose, he may direct the acquiring officer of the district in which that area lies to cause a notice in accordance with subsection (2) to be exhibited in some conspicuous places in that area.

(2) The notice referred to in subsection (1) shall be in the Sinhalese, Tamil and English languages and shall state that land in the area specified in the notice is required for a public purpose and that all or any of the acts authorized by subsection (3) may be done on any land in that area in order to investigate the suitability of that land for that public purpose.

(3) After a notice under subsection (2) is exhibited for the first time in any area, any officer authorized by the acquiring officer who has caused the exhibition of that notice, or any officer acting under the written direction of the officer authorized as aforesaid, may enter any land in that area, together with such persons,

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implements, materials, vehicles and animals as may be necessary, and—

(*a*) survey and take levels of that land,

(*b*) dig or bore into the subsoil of that land,

(*c*) set out the boundaries of that land and the intended line of any work proposed to be done on that land,

(*d*) mark such levels, boundaries and line by placing marks and cutting trenches,

(*e*) where otherwise the survey of that land cannot be completed and such levels taken and such boundaries and line marked, cut down and clear away any part of any standing crop, fence or jungle on that land, and

(*f*) do all other acts necessary to ascertain whether that land is suitable for the public purpose for which land in that area is required :

Provided that no officer, in the exercise of the powers conferred on him by the preceding provisions of this subsection, shall enter any occupied building or any enclosed court or garden attached thereto unless he has given the occupier of that building at least seven days' written notice of his intention to do so.

Compensation for damage done during investigations carried out on any land.

3. (1) Where any officer empowered by subsection (3) of section 2 to enter any land causes any damage to that land or to anything thereon by doing on that land any of the acts which he may do under that subsection, he shall assess the amount of compensation for that damage and shall, if that land is owned by more than one person, determine the apportionment of that amount among the owners of that land. Such officer shall give the owner or owners of that land written notice of the amount of compensation assessed by him and of any such apportionment of that amount as may have been determined by him.

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(2) If any person who is entitled to receive the whole or a portion of the amount of compensation assessed in respect of any land under subsection (1) and specified in a notice under that subsection, is dissatisfied with such amount or with the apportionment of such amount, he may, within fourteen days reckoned—

(*a*) where such notice is sent through the post, from the date on which such notice is received at the place to which it is so sent, or

(*b*) where such notice is exhibited on or near that land, from the date on which such notice is so exhibited for the first time,

make a written appeal to the acquiring officer of the district in which that land is situated against the assessment or apportionment of compensation referred to in such notice.

(3) Where an acquiring officer allows an appeal made to him under subsection (2), he shall make a fresh assessment and apportionment of compensation or shall confirm the amount of compensation assessed under subsection (1) and make a fresh apportionment of that amount. The decision of such acquiring officer on such appeal shall be final.

(4) The officer who issues a notice under subsection (1) shall—

(*a*) where no appeal against the assessment or apportionment of compensation referred to in such notice is made under subsection (2) within the time allowed therefor by that subsection or where such an appeal is so made and the acquiring officer to whom the appeal is made disallows the appeal, tender to each person who is entitled to compensation according to such notice the amount of compensation allowed to him by such notice, or

(*b*) where such an appeal is so made and such acquiring officer allows the appeal, tender to each person who is entitled to compensation

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according to the decision on such appeal the amount of compensation allowed to him by such decision,

and shall pay the tendered amount to such person if he consents to receive it.

(5) Where the person to whom any sum is payable as compensation under this section is a minor or is of unsound mind or declines to accept that sum when it is tendered to him or is dead or cannot be found after diligent search, that sum shall be paid in accordance with the provisions of section 32 or section 33.

Notice of, and objections to, intended acquisition.

4. (1) Where the Minister considers that a particular land is suitable for a public purpose, or that a particular servitude over a particular land should be acquired for a public purpose, he shall direct the acquiring officer of the district in which that land is situated to cause a notice in accordance with subsection (3) to be given to the owner or owners of that land and to be exhibited in some conspicuous places on or near that land :

[§ 2, 39 of 1954.]

Provided however that it shall not be necessary to give a notice under the preceding provisions of this subsection to the owner or any owner of land whose name and address cannot be found or ascertained.

(2) The Minister may issue a direction under the preceding provisions of this section notwithstanding that no notice has been exhibited as provided by section 2, and, where he issues such a direction to any acquiring officer, the provisions of subsection (3) of section 2 shall apply in regard to the land to which that direction relates in like manner as those provisions would have applied if that acquiring officer had caused a notice under section 2 to be exhibited in the area in which that land is situated.

(3) The notice referred to in subsection (1) shall—

(*a*) be in the Sinhalese, Tamil and English languages ;

(*b*) contain a description of the land or servitude which is intended to be acquired ;

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(c) state that the Government intends to acquire that land or servitude for a public purpose, and that written objections to the intended acquisition may be made to the Permanent Secretary ; and

(d) specify a period within which such objections must be made, such period being not less than fourteen days from the date on which such notice is given.

(4) Where a notice relating to the intended acquisition of a land or of a servitude over a land is exhibited under subsection (1) and objections to such acquisition are made to the Permanent Secretary by any of the persons interested in the land within the time allowed therefor by the notice, the Permanent Secretary shall consider such objections or direct an officer to consider such objections on his behalf and to make recommendations to him. When such objections are considered every objector shall be given an opportunity of being heard in support thereof. After the consideration of the objections the Permanent Secretary shall make his recommendations on the objections to the Minister.

[§ 2, 39 of 1954.]

(5) When the time allowed by a notice under this section for making objections to the intended acquisition of the land or servitude referred to in the notice has expired and, where any such objections have been made within such time, after the Minister has considered the Permanent Secretary's recommendations on those objections, the Minister shall, subject to the provisions of subsection (6), decide whether that land or servitude should or should not be acquired under this Act.

[§ 2, 39 of 1954.]

(6) A decision shall not be taken under subsection (5) to acquire only a part of a building if the owner of the building desires that the whole of the building should be acquired under this Act, unless such part can be severed or demolished without serious detriment to, or seriously affecting the amenities of, the building.

[§ 2, 39 of 1954.]

For the purposes of this subsection, "building" includes land which, being necessary for the convenient use and occupation of the building, would pass by a devise of the building.

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Declaration that a land or a servitude is required for a public purpose.

5. (1) Where the Minister decides under subsection (5) of section 4 that a particular land or servitude should be acquired under this Act, he shall make a written declaration that such land or servitude is needed for a public purpose and will be acquired under this Act, and shall direct the acquiring officer of the district in which the land which is to be acquired or over which the servitude is to be acquired is situated to cause such declaration in the Sinhalese, Tamil and English languages to be published in the Gazette and exhibited in some conspicuous places on or near that land.

(2) A declaration made under subsection (1) in respect of any land or servitude shall be conclusive evidence that such land or servitude is needed for a public purpose.

(3) The publication of a declaration under subsection (1) in the Gazette shall be conclusive evidence of the fact that such declaration was duly made.

Survey and plan of land.

6. When a declaration under section 5 that a particular land is needed for a public purpose has been published in the Gazette, the acquiring officer of the district in which that land is situated may, if there is no plan of that land made by the Survey Department of the Government, or no such plan which is suitable for use for the purposes of proceedings under this Act, cause a survey and a plan of that land to be made by a surveyor of that department, or by a licensed surveyor acting under the directions of the Surveyor-General.

[§ 3, 39 of 1954.]

Notice to persons interested.

7. (1) The acquiring officer referred to in subsection (1) of section 5 shall cause a notice in accordance with subsection (2) of this section to be published in the Gazette in the Sinhalese, Tamil and English languages and, where in his opinion the value of the land mentioned in the declaration made under that section exceeds five hundred rupees, in a Sinhalese newspaper, a Tamil newspaper and an English newspaper circulating in Ceylon, and shall also cause that notice in those languages to be exhibited in some conspicuous places on or near that land.

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(2) The notice referred to in subsection (1) shall—

(*a*) describe the land or servitude which is intended to be acquired ;

(*b*) state that it is intended to acquire such land or servitude under this Act and that claims for compensation for the acquisition of such land or servitude may be made to the acquiring officer mentioned in the notice ; and

(*c*) direct every person interested in the land which is to be acquired or over which the servitude is to be acquired to appear, personally or by agent duly authorized in writing, before such acquiring officer on a date and at a time and place specified in the notice (such date not being earlier than the twenty-first day after the date on which the notice is to be exhibited for the first time on or near the land), and, at least seven days before the date specified in the notice, to notify in writing under the hand of that person or any agent duly authorized as aforesaid to such acquiring officer the nature of his interests in the land, the particulars of his claim for compensation, the amount of compensation and the details of the computation of such amount :

[§ 4, 39 of 1954.]

Provided that the acquiring officer may, on good cause shown within two weeks after such notice is exhibited, extend, up to a period of twenty-eight days from the date specified in such notice, the time within which any person interested in such land is required to notify his claim for compensation to, and appear before, the acquiring officer.

[§ 4, 39 of 1954.]

(3) Notwithstanding anything in the preceding provisions of this section, any notice required by those provisions to be published in the newspapers may merely specify the land or servitude which is intended to be acquired and refer to any such Gazette as may be specified in the notice for full particulars relating to such acquisition.

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(4) Where an acquiring officer who causes the publication of a notice under this section in respect of any land is satisfied that any person interested in that land is a minor or is of unsound mind and has no authorized agent to act on his behalf as provided in that notice, such officer may, either of his own motion or on application made by or on behalf of such person, authorize a fit and proper person to be such agent. [§ 4, 39 of 1954.]

Power to require and enforce the making of statements as to persons interested.

8. An acquiring officer who causes the publication of a notice under section 7 in respect of any land may require any person interested in that land to make or deliver to him, on or before a date specified in the requisition (such date not being earlier than the fourteenth day after the date of the requisition), a statement setting out, so far as may be practicable, the name and address of every other person interested in that land or any part thereof as co-owner, mortgagee, tenant or otherwise, and the nature of the interest in that land, and any rents and profits received or receivable on account of that land for the three calendar years next preceding the date of the statement.

PART II

Inquiry Into Claims, Reference To Court, And Acquiring Officer's Award

Inquiry into claims for compensation.

9. (1) Where a notice under section 7 in respect of any land is published, the acquiring officer of the district in which that land is situated shall, on the date on which and at the time and place at which persons interested in that land are directed by that notice or in accordance with the proviso to section 7 (2) (c) to appear before him, hold an inquiry into—

(a) the market value of that land or of the servitude which is to be acquired over that land;

(b) such claims for compensation as may have been notified to him within the time allowed therefor by that notice or in accordance with the aforesaid proviso;

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(*c*) the respective interests of the persons claiming compensation ; and

(*d*) any other matter which needs investigation for the purpose of making an award under section 17.

(2) The acquiring officer conducting an inquiry under subsection (1) may adjourn the inquiry from time to time and may hold the inquiry at different places on different dates. On every occasion on which he adjourns such inquiry, he shall notify the date on which and the time and place at which the inquiry will be resumed to such claimants for compensation and such agents of claimants for compensation, as are present on that occasion.

(3) The acquiring officer conducting an inquiry under subsection (1) may by a summons under his hand require—

(*a*) any person whose evidence is, in the judgment of such acquiring officer, likely to be material to the subject-matter of the inquiry, to attend and give evidence at the inquiry on such date and at such time and place as may be mentioned in the summons, and

(*b*) any person to produce at the inquiry, on such date and at such time and place as may be mentioned in the summons, for examination by such acquiring officer or by any officer of the Valuation Department of the Government who is authorized in that behalf by such acquiring officer, any such document or book of accounts in the possession of that person as is, in the judgment of such acquiring officer, likely to contain such information as may be necessary to determine the interests of that person or of any other person in the land to which the inquiry relates or the amount of compensation to be paid for such interests.

(4) A summons to any person under subsection (3) shall be served on him in the same manner as is provided by the Civil Procedure Code for the service of summons in a civil suit.

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(5) The examination of any witness at any inquiry under this section shall be on oath or affirmation administered by the acquiring officer holding the inquiry.

(6) An acquiring officer who holds an inquiry under this section shall make a summary of the evidence given by each witness and cause a certified copy of each document produced in evidence to be furnished.

Reference of claims and disputes to court for determination.

10. (1) At the conclusion of an inquiry held under section 9, the acquiring officer holding the inquiry shall either—

(*a*) make a decision on every claim made by any person to any right, title or interest to, in or over the land which is to be acquired or over which a servitude is to be acquired and on every such dispute as may have arisen between any claimants as to any such right, title or interest, and give notice of his decision to the claimant or to each of the parties to the dispute, or

(*b*) refer the claim or dispute for determination as hereinafter provided.

[§ 5, 39 of 1954.]

(2) A claimant whose claim is wholly or partly disallowed, or a party to a dispute which is determined, by the decision of an acquiring officer under subsection (1) may, within fourteen days of the service on him of notice of the decision, make application to that acquiring officer for the reference of the claim or dispute, as the case may be, for determination as hereinafter provided; and that acquiring officer shall make a reference accordingly.

(3) Every reference under the preceding provisions of this section shall be made to the District Court or the Court of Requests having jurisdiction over the place where the land which is to be acquired or over which a servitude is to be acquired is situated, according as the total amount of the claims for compensation for the acquisition of the land or servitude exceeds or does not exceed three hundred rupees.

M. 56——J. N. R 7598 (4/60)

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(4) In every case in which a reference is made to the District Court or to the Court of Requests as herein before provided, the acquiring officer shall defer the making of his award under section 17 in respect of the land or servitude to which such reference relates until a determination on such reference is made by that court or, in the event of an appeal under section 14, by the Supreme Court.

(5) Where an acquiring officer makes a decision on any claim or dispute under subsection (1), and the claim or dispute is not referred for determination as provided in subsection (3), the decision shall be final.

Form of reference to court.

11. A reference which an acquiring officer may make under section 10 shall be in writing and in the form of a plaint in a civil suit. In the reference the acquiring officer shall be described as the plaintiff and the claimants for compensation shall be described as the defendants. The reference shall contain—

(*a*) the name of the court and the date of submitting the reference to the court ;

(*b*) the name, designation and address of the acquiring officer ;

(*c*) the names and addresses of the claimants for compensation ;

(*d*) a plain and concise statement of the claim or dispute which is to be determined by the court ; and

(*e*) a prayer for the determination of that claim or dispute.

Proceedings in court on reference.

12. (1) The proceedings in a court on a reference made to it under section 10 shall be subject to the procedure provided by the Civil Procedure Code for civil suits.

(2) No stamp duty shall be required for any proceedings referred to in subsection (1).

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(3) All such proceedings in a court as are referred to in subsection (1) shall be taken up before any other business of that court unless special circumstances of urgency in such other business render it impossible to do so.

(4) The decision of a District Court or a Court of Requests on a reference made to it under section 10 shall, if no appeal against that decision is made to the Supreme Court under section 14, be final.

Costs of proceedings in court on reference.

13. (1) The court to which a reference is made under section 10 may award to any party to that reference an amount determined by the court as his costs of the proceedings relating to that reference.

(2) All such costs awarded to an acquiring officer under subsection (1) as are not deducted in the manner provided by section 30 may be recovered as if they were costs incurred in a civil suit.

Appeal against decision of court.

14. (1) Where the plaintiff or any defendant in a reference made under section 10 to a District Court or a Court of Requests is dissatisfied with the decision of that court on that reference, he may appeal against that decision to the Supreme Court.

(2) Every appeal under subsection (1) shall be presented within the time and in the manner provided by the Civil Procedure Code for appeals against decrees in civil suits.

(3) No stamp duty shall be required in any proceedings before the Supreme Court relating to an appeal under subsection (1).

(4) The Supreme Court may award to any party to an appeal made under subsection (1) an amount determined by that court as his costs of the proceedings relating to that appeal.

(5) The decision of the Supreme Court on an appeal under subsection (1) shall be final.

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Non-appearance of persons interested in land.

15. (1) Where no person interested in a land in respect of which a notice under section 7 has been published appears, personally or by agent duly authorized in writing, on the day on which and at the time and place at which persons interested in that land are directed by that notice or in accordance with the proviso to section 7 (2) (*c*) to appear, the acquiring officer of the district in which that land is situated shall postpone the inquiry required by section 9 to be held on that day to a date not earlier than the fourteenth day after the aforesaid day and shall cause to be exhibited in some conspicuous places on or near that land, for the first time on a day not later than the seventh day before the date to which that inquiry is postponed, a notice in the Sinhalese, Tamil and English languages—

(*a*) specifying the date on which and the time and place at which the postponed inquiry will be held,

[§ 6, 39 of 1954.]

(*b*) requiring the persons interested in that land, if they have not already done so, to notify to him in writing under their hand or under the hand of agents duly authorized as aforesaid, before the date of the inquiry, the nature of their interests in that land and the amount and particulars of their claims for compensation, and

(*c*) stating that he will, whether the persons interested in that land attend the inquiry or not, determine at the inquiry the amount of compensation payable, where that land is to be acquired under this Act, for the acquisition of that land or, where a servitude over that land is to be acquired under this Act, for the acquisition of that servitude.

(2) Where an inquiry which is to be held by an acquiring officer in respect of any land under section 9 is postponed under subsection (1) to any date, he shall hold the inquiry on that date or any other date

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or dates to which the inquiry may be adjourned under subsection (2) of section 9, and shall make his award in respect of that land under section 17, whether the persons interested in that land attend the inquiry or not.

Claims made out of time. [§ 7, 39 of 1954.]

16. (1) An acquiring officer shall entertain and inquire into any claim to any right, title or interest to, in or over the land which is to be acquired or over which a servitude is to be acquired, made in writing at any time before the conclusion of an inquiry held by him under this Act, notwithstanding that such claim is made after the expiry of the time allowed therefor by any other provision of this Act; and accordingly such other provisions of this Act as are applicable to claims, other than those relating to the time within which claims may be made, shall apply in relation to such claims.

(2) An acquiring officer shall entertain and inquire into any claim to any right, title or interest to, in or over the land which is to be acquired or over which a servitude is to be acquired, made orally at any time after the commencement and before the conclusion of an inquiry held by him under this Act, notwithstanding that such claim is made after the expiry of the time allowed therefor by any other provision of this Act and is not made in writing; and accordingly such other provisions of this Act as are applicable to claims, other than those relating to the time within which claims may be made and requiring claims to be made in writing, shall apply in relation to such claim.

(3) When a claim is made orally to an acquiring officer as provided in the preceding provisions of this subsection, he shall make a record of that claim.

Award of acquiring officer.

17. (1) The acquiring officer who holds an inquiry under section 9 shall, as soon as may be after his decisions under section 10 have become final as provided in that section or after the final determination of

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[§ 8, 39 of 1954.] any reference made under that section and subject to the other provisions of this section, make an award under his hand determining—

(*a*) the persons who are entitled to compensation in respect of the land or servitude which is to be acquired ;

(*b*) the nature of the interests of those persons in the land which is to be acquired or over which the servitude is to be acquired ;

(*c*) the total amount of the claims for compensation for the acquisition of the land or servitude ;

(*d*) the amount of the compensation which in his opinion should, in accordance with the provisions of Part VI of this Act, be allowed for such acquisition ; and

(*e*) the apportionment of the compensation among those persons.

Such acquiring officer shall give written notice of the award to the persons who are entitled to compensation according to the award.

[§ 8, 39 of 1954.] (2) Where no person having any right, title or interest to, in or over the whole or any part of a land which is to be acquired or over which a servitude is to be acquired is known, then, in regard to the whole of the land or in regard to that part only, as the case may be, it shall not be necessary to determine in the award under this section the matters specified in paragraphs (*a*), (*b*), (*c*) and (*e*) of subsection (1) and to comply with the provisions of that subsection relating to notice of the award.

[§ 8, 39 of 1954.] (3) Where a claimant for compensation has notified his claim to the acquiring officer within the time allowed therefor by this Act, the amount of compensation awarded to that claimant under subsection (1) shall not exceed the amount of his claim.

(4) An award under subsection (1) shall, where a reference under section 10 has been made to a District Court or a Court of Requests in respect of the land or servitude to which the award relates, accord with the

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decision of that court on that reference or, where an appeal against that decision has been made to the Supreme Court, with the decision of the Supreme Court on that appeal.

Acquiring officer may supply failures or omissions in the course of acquisition proceedings. [§ 9, 39 of 1954.]

18. (1) Where in the course of any proceedings for the acquisition of any land or servitude under this Act it is found that there has, at any stage of such proceedings, been an inadvertent failure or omission on the part of the acquiring officer to comply with any provision of Part I or Part II of this Act relating to such proceedings, the acquiring officer may supply such failure or omission at any time prior to the making of his award under section 17 ; and thereupon any such proceedings as may have been taken under that Part after the stage aforesaid shall be deemed to be null and void and fresh proceedings shall be taken under the Act as from the said stage.

(2) Where an acquiring officer considers it necessary so to do for the purpose of supplying any failure or omission on his part in the course of any proceedings for the acquisition of any land or servitude under this Act to inquire into any matter which should have been inquired into by him at the inquiry held under section 9, he may reopen that inquiry at any time prior to the making of his award under section 17.

PART III

Appeals to the Board of Review and Appeals to the Supreme Court On Questions Of Law

Constitution of the board of review.

19. (1) For the purpose of hearing appeals in the manner hereinafter provided, there shall be a board of review (hereinafter referred to as the "board") consisting of ten members who shall be appointed from time to time by the Governor-General.

(2) Five members of the board (hereinafter referred to as the "lawyer members") shall be advocates or proctors with not less than ten years' professional experience and the other five members of the board

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(hereinafter referred to as the "valuer members") shall be persons having adequate knowledge of the valuation of land.

(3) The Governor-General shall appoint a lawyer member of the board to be the chairman.

(4) Every member of the board shall, unless he earlier vacates office or is removed by the Governor-General therefrom, hold office for a period of three years. Any member of the board who vacates office by effluxion of time shall be eligible for reappointment.

(5) The Minister shall, before making any recommendation to the Governor-General in regard to the exercise of the powers conferred on the Governor-General by this section, obtain the advice of the members for the time being of the Judicial Service Commission.

(6) There shall be appointed a secretary to the board (hereinafter referred to as the "secretary").

Remuneration of members.

20. The members of the board shall be remunerated at such rates as may be prescribed.

Meetings of the board.

21. (1) The secretary shall, under the direction of the chairman of the board, convene meetings of the board at which appeals are to be heard.

(2) The chairman, two lawyer members and two valuer members of the board shall be summoned to an ordinary meeting of the board. Such lawyer members and such valuer members shall be chosen by lot by the secretary. The quorum for an ordinary meeting of the board shall be three members of whom at least one shall be a valuer member.

(3) All the members of the board shall be summoned to an extraordinary meeting of the board. The quorum for an extraordinary meeting of the board shall be two lawyer members and three valuer members.

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(4) The chairman of the board shall preside at every meeting of the board. In the absence of the chairman from a meeting of the board, the members of the board summoned to and present at the meeting shall choose from among themselves a chairman for the meeting.

(5) A member of the board who is interested in the subject-matter of an appeal made to the board or who has been consulted as an advocate or a proctor or as a valuer in regard to that matter by or on behalf of the person interested therein shall not participate in a meeting of the board at which that appeal is heard.

(6) A meeting of the board may from time to time be postponed or adjourned.

Right of appeal to the board.

[§ 10, 39 of 1954.]

22. (1) A person to whom compensation is allowed by an award under section 17 and who has notified his claim for compensation to the acquiring officer within the time allowed therefor by this Act, may appeal to the board against that award on the ground that the amount of the compensation allowed to him is insufficient.

(2) Every appeal under this section shall—

(*a*) be in writing ;

(*b*) state the name and address of the appellant ;

(*c*) mention as the respondent the acquiring officer who made the award against which the appeal is preferred ;

(*d*) contain a plain and concise statement of the appellant's interest in the land to which such award relates ; and

(*e*) state the amount of compensation claimed by the appellant and his reasons for considering the compensation allowed to him by such award to be insufficient.

(3) Every appeal under this section shall be addressed to the chairman of the board and shall be transmitted to, or delivered at, the office of the zoard.

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Time-limit for appeals to the board.

23. No appeal against an award made under section 17 shall be entertained by the board unless it has been preferred within twenty-one days after the date on which notice of that award was received by the appellant.

Proceedings before the board.

24. (1) Every appeal to the board shall be heard at an ordinary meeting of the board :

Provided that the chairman of the board may refer any appeal for hearing to an extraordinary meeting of the board.

(2) The secretary shall fix a date, time and place for the hearing of each appeal to the board and shall give twenty-one clear days' notice thereof in writing to the appellant and the respondent in the appeal.

(3) The appellant and the respondent in an appeal to the board shall attend, personally or by agent or agents duly authorized in writing, the meeting of the board at which the appeal is heard. Where, for reasonable cause notified in writing to the chairman of the board, the appellant or the respondent is unable so to attend such meeting, the hearing of the appeal may be postponed.

(4) The chairman of the board and, in his absence, the person who is chairman of any meeting of the board shall, for the purposes of the hearing of any appeal by the board, have all the powers of a District Court—

(*a*) to summon and compel the attendance of witnesses,

(*b*) to compel the production of documents, and

(*c*) to administer any oath or affirmation to witnesses.

(5) Section 142 of the Civil Procedure Code and section 132 of the Evidence Ordinance shall apply to a witness in any proceedings before the board as though those proceedings were proceedings before a civil court.

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(6) The secretary shall, in respect of every appeal heard by the board, keep a record of all such proceedings before the board as relate to that appeal.

Decision of the board.

25. (1) The decision made at a meeting of the board on an appeal heard at that meeting shall be deemed to be the decision of the board on that appeal.

(2) Where the members of the board who hear an appeal disagree with regard to the decision on the appeal, the decision of the majority of them shall be the decision of the board on the appeal, and, where the members are equally divided in their opinion, the decision supported by the chairman of the meeting at which the appeal is heard shall be the decision of the board on the appeal.

(3) Where the board disallows an appeal against an award made under section 17, the decision on the appeal shall confirm or reduce the amount of compensation allowed to the appellant by that award.

(4) Where the board allows an appeal against an award made under section 17, the decision on the appeal shall determine the amount of compensation payable to the appellant :

Provided that the board shall not allow as compensation to the appellant an amount which exceeds the amount of the claim for compensation which he had originally notified to the acquiring officer who made such award.

(5) Every decision of the board shall contain the reasons therefor.

Costs of proceedings before the board.

26. (1) The decision of the board on an appeal made to it shall, unless for special reason the board directs otherwise, contain an order as to the person who is to pay the costs of the proceedings relating to the appeal and shall determine the amount of such costs.

(2) All such costs allowed to an acquiring officer under subsection (1) on an appeal against an award under section 17 as are not deducted in the manner provided by section 30 may be recovered as if they

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were costs incurred in a civil suit, and for that purpose the decision of the board by which the costs are allowed shall be deemed to be a decree of the District Court or the Court of Requests having jurisdiction over the place where the land to which that award relates is situated, according as the total amount of the claims for compensation mentioned in that award exceeds or does not exceed three hundred rupees.

Finality of decision of the board.

27. Save as provided in section 28, a decision of the board shall be final and shall not be called in question in any court.

Appeal on question of law to the Supreme Court.

28. (1) Where a party to an appeal to the board is dissatisfied with the board's decision on that appeal, he may, by written petition in which the other party is mentioned as the respondent, appeal to the Supreme Court against that decision on a question of law :

Provided that no such appeal may be preferred on any question determined by any decision which is declared by section 10 (5) or section 12 (4) or section 14 (5) to be final.

(2) A petition of appeal under subsection (1) shall state the question of law to be argued, shall bear a certificate by an advocate or a proctor that such question is fit for adjudication by the Supreme Court, and shall be presented in duplicate to the board by the appellant within twenty-one days after the date of the board's decision against which the appeal is preferred.

(3) When a petition of appeal is presented to the board in the manner and within the time specified in subsection (2), the secretary to the board shall—

(*a*) transmit to the Supreme Court one of the duplicates of the petition of appeal together with the record of the proceedings in which the board's decision against which the appeal has been preferred was made, and

(*b*) issue notice of the appeal to the respondent named in the petition of appeal together with the other duplicate of the petition of appeal.

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(4) No stamp duty shall be required in any proceedings before the Supreme Court relating to an appeal under subsection (1).

(5) Every appeal to the Supreme Court under this section shall be heard and determined by any two Judges of that court. On determining the question of law on which an appeal is made to the Supreme Court under this section, that court shall, in accordance with its decision on such question, confirm, reduce or increase the amount of compensation which has been confirmed or determined by the board's decision against which that appeal has been preferred:

Provided that the Supreme Court shall not allow as compensation to any person an amount which exceeds the amount of the claim for compensation which he had originally notified to the acquiring officer who made the award under section 17 in respect of the land or servitude to which that claim relates.

(6) The decision of the Supreme Court on an appeal under subsection (1) shall be final.

PART IV

PAYMENT

Tender and payment of compensation.

29. Where an award is made under section 17, the acquiring officer of the district in which the land to which that award relates is situated shall tender to each person who is entitled to compensation according to that award the amount of compensation allowed to him by that award or, if in lieu of that amount a new amount has been allowed as compensation to that person by a final decision on an appeal to the board or by a decision on an appeal to the Supreme Court, tender that new amount to him, and shall pay the tendered amount to him if he consents to receive it:

Provided, however, that where the compensation for the acquisition of any premises devoted to a purpose referred to in subsection (2) of section 46 is

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assessed on the basis mentioned in that subsection, the payment of such portion of the compensation as is equal to thirty *per centum* of the compensation shall be deferred until the persons entitled thereto have actually provided for the aforesaid purpose premises equivalent to the first-mentioned premises.

Deduction of costs from amount of compensation.

30. Where any costs of proceedings under this Act in a court or before the board are ordered by that court or the board to be paid by any person to the acquiring officer who is a party to those proceedings, the amount which may be due as such costs may be deducted from any compensation payable under this Act to that person.

Compensation for land subject to an encumbrance.

31. (1) Where compensation is payable under this Act for any such interest in a land as is subject to any entail, settlement, or fideicommissum, that compensation shall be subject to the same entail, settlement or fideicommissum.

(2) Any compensation which under subsection (1) is subject to any entail, settlement or fideicommissum shall be paid into the District Court having jurisdiction over the place where the land in respect of which that compensation is payable is situated, to abide the orders of that court as to the disposal thereof.

(3) Where compensation is payable under this Act for a mortgagee's interest in a land, that compensation shall, unless otherwise agreed between the parties, be paid into the District Court or the Court of Requests having jurisdiction over the place where that land is situated, according as the amount of that compensation exceeds or does not exceed three hundred rupees, to be drawn by the person entitled thereto.

Payment of compensation due to a minor or a person of unsound mind.

32. (1) Where a sum not exceeding one hundred rupees is payable as compensation under this Act to any person who is a minor or is of unsound mind, that sum may, if he is a minor, be paid to him or, if he is a minor or is of unsound mind, be paid, for his benefit, to any other person who is maintaining him.

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(2) Where any sum which is due as compensation for the acquisition of a land or servitude under this Act to a person who is a minor or is of unsound mind exceeds one hundred rupees or is not paid in the manner permitted by subsection (1), that sum shall, for the benefit of that person, be paid into the District Court or the Court of Requests having jurisdiction over the place where that land or the servient tenement of that servitude is situated, according as that sum exceeds or does not exceed three hundred rupees.

Compensation which cannot be paid to person to whom it is awarded or who may be entitled thereto. [§ 11, 39 of 1954.]

33. Where any person to whom any compensation for the acquisition of a land or servitude under this Act is awarded declines to receive it when it is tendered to him, or is dead or cannot be found after diligent search, or where no person entitled to any compensation for the acquisition of a land or servitude under this Act is known, that compensation shall be paid into the District Court or the Court of Requests having jurisdiction over the place where that land or the servient tenement of that servitude is situated, according as the amount of that compensation exceeds or does not exceed three hundred rupees, to be drawn by the person entitled thereto.

[§ 11, 39 of 1954.]

Notice of the payment of any sum as provided in this section shall be published in the Gazette and in at least one Sinhalese daily newspaper, one Tamil daily newspaper, and one English daily newspaper circulating in Ceylon.

Renunciation of right to compensation.

34. (1) If any person to whom compensation is payable under this Act for his interest in any land which is to be acquired or over which a servitude is to be acquired under this Act desires to renounce his right to such compensation, he shall make and sign a written declaration that he renounces such right. Such declaration shall be conclusive evidence that such person has renounced such right, and thereafter no person shall, save as provided in subsection (4), be entitled to claim compensation from the Government in respect of such interest.

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(2) A declaration made by any person under subsection (1) shall state the amount of compensation which would have been paid to him by the Government if he had not renounced his right thereto.

(3) No declaration under subsection (1) shall be chargeable with stamp duty.

(4) Where any person, other than the declarant in a declaration made under subsection (1), proves that he was entitled to such interest in the land to which that declaration relates as was claimed by that declarant, he shall be entitled to compensation from the Government in respect of such interest, but the amount of compensation payable to him shall not exceed the amount of compensation specified under subsection (2) in that declaration.

Interest on compensation.

35. Where the amount of compensation payable under this Act to any person for the acquisition of any land or servitude is not paid to him or into court before the date on which an Order under section 38 in respect of that land or servitude is published in the Gazette, that amount shall be paid with interest thereon at a prescribed rate from that date up to the date of payment.

Exchange.

36. (1) Any person to whom compensation for the acquisition of any land is payable under this Act may enter into a written agreement with the acquiring officer of the district in which that land is situated to accept, in lieu of the whole or any part of such compensation, a transfer of any other land which is the property of the Crown. Such agreement shall be signed by that person and by that acquiring officer. The amount of compensation in lieu of which the transfer is accepted shall be specified in such agreement.

(2) No agreement under subsection (1) shall be chargeable with stamp duty.

(3) Where any person accepts a transfer of any land made under an agreement executed under subsection (1), such transfer shall, for the purposes of this Act, be deemed to be payment of the compensation in lieu of which such transfer is accepted by that person.

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(4) Where any compensation payable to any person under this Act would if paid be subject, under section 31, to any entail, settlement or fideicommissum, any land which, under the preceding provisions of this section, is accepted by him in lieu of such compensation shall be subject to the same entail, settlement or fideicommissum.

Finality as to payment of compensation.

37. Where compensation for the acquisition of any land or servitude has been, or is deemed to have been, paid in accordance with the provisions of this Act, no further claim against the Government for compensation for such acquisition shall be allowed.

PART V

Possession And Disposal

Order for taking possession of a land, or subjecting a land to a servitude.

38. At any time after an award is made under section 17, the Minister may by Order published in the Gazette—

(*a*) where the award relates to the acquisition of any land, direct the acquiring officer of the district in which that land is situated, or any other officer authorized in that behalf by such acquiring officer, to take possession of that land for and on behalf of Her Majesty, or

(*b*) where the award relates to the acquisition of any servitude, declare that the land over which that servitude is to be acquired shall be subject to that servitude :

Provided that the Minister may make an Order under the preceding provisions of this section—

(*a*) where it becomes necessary to take immediate possession of any land on the ground of any urgency, at any time after a notice under section 2 is exhibited for the first time in the area in which that land is situated or at any time after a notice under section 4 is exhibited for the first time on or near that land, and

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(*b*) where it becomes necessary immediately to acquire any servitude on the ground of any urgency, at any time after a notice under section 4 is exhibited for the first time on or near the land over which that servitude is to be acquired.

Revocation of vesting orders. [§ 12, 39 of 1954.]

39. (1) Notwithstanding that by virtue of an Order under section 38 (hereinafter in this section referred to as a "vesting order") any land has vested absolutely in Her Majesty, the Minister may, if possession of the land has not actually been taken for and on behalf of Her Majesty in pursuance of that Order, by subsequent Order published in the Gazette revoke the vesting order.

(2) Copies of any Order under subsection (1) shall be published in at least one Sinhalese daily newspaper, one Tamil daily newspaper, and one English daily newspaper circulating in the area in which the land to which the Order relates is situated, and shall be exhibited in conspicuous places upon and in the vicinity of the land.

(3) Where a vesting order is revoked under this section, the land to which it relates shall be deemed never to have vested in Her Majesty by virtue thereof ; and any question which might arise as to any right, title or interest to, in or over the land shall be determined accordingly.

Effect of Order under section 38.

40. When an Order of the Minister under section 38 is published in the Gazette, then—

(*a*) where that Order is in regard to the taking possession of a particular land, that land shall, by virtue of that Order, vest absolutely in Her Majesty free from all encumbrances with effect from the date on which that Order is so published, and any officer who is authorized to do so by that Order may, on or after that date, take possession of that land for and on behalf of Her Majesty, or

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(*b*) where that Order is in regard to the subjection of a particular land to a particular servitude, that land shall be subject to that servitude, and that servitude may be utilized for the public purpose for which it was acquired, on and after the aforesaid date.

Provisions for application of Act where Order under proviso to section 38 is made.
[§ 13, 39 of 1954.]

41. In any case where an Order is made under the proviso to section 38 for the taking of immediate possession of any land or for the immediate acquisition of any servitude on the ground of urgency, then—

(*a*) if the provisions or any of the provisions of section 4 have not been complied with prior to the making of the Order it shall not be necessary to comply with those provisions or such of those provisions as have not already been complied with ;

(*b*) if a declaration under section 5 has not been made prior to the making of such Order, a declaration shall be made and published in terms of that section notwithstanding that all or any of the provisions of section 4 have not been complied with ; and

(*c*) notwithstanding that such Order takes effect as provided in section 40, all the provisions of this Act shall, save as herein before in this section provided, apply in the aforesaid case in like manner as they apply in the case of a land or servitude which is to be acquired.

Possession.

42. (1) No officer shall, under section 40, take possession of any occupied building or any part of an occupied building without giving the occupier of the building at least forty-eight hours' notice of the intention to do so.

(2) Where any officer directed by an Order under section 38 to take possession of any land is unable or apprehends that he will be unable to take possession of that land because of any obstruction or resistance which has been or is likely to be offered, such officer

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shall, on his making an application in that behalf to the Magistrate's Court having jurisdiction over the place where that land is situated, be entitled to an order of that court directing the Fiscal to deliver possession of that land to him for and on behalf of Her Majesty.

(3) Where an order under subsection (2) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to that court the manner in which that order was executed.

(4) For the purpose of executing an order issued by a Magistrate's Court under subsection (2), the Fiscal or any person acting under his direction may use such force as may be necessary to enter the land to which that order relates and to eject any person in occupation of that land and to deliver possession of that land to the officer who is authorized to take possession of that land for and on behalf of Her Majesty.

Access to unacquired portion of land.

43. Where a portion of a building is acquired under this Act and possession thereof is taken by an officer for and on behalf of Her Majesty, that officer or any other officer authorized by him in that behalf may, together with such persons, vehicles, animals and implements as may be necessary, enter the premises on which the rest of that building stands for the purpose of demolishing the acquired portion of that building.

Vesting of land in local authority or other body.

44. (1) Where any land which is required for the purposes of any local authority or of any other person or body of persons is, in pursuance of any other written law, acquired under this Act for such purposes, the acquiring officer of the district in which that land is situated shall, after possession of that land has been taken for and on behalf of Her Majesty, by a certificate issued under his hand, vest that land in such local authority or such person or body of persons, as the case may be, subject to such conditions or restrictions as may be specified in the certificate.

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[§ 14, 39 of 1954.]

(2) Where any land which is required for the purposes of any local authority or of any other person or body of persons—

(*a*) was, in pursuance of any other written law, acquired for such purposes under the Land Acquisition Ordinance repealed by Act No. 9 of 1950 ; and

(*b*) was taken possession of under that Ordinance for and on behalf of Her Majesty but is not on the date on which this Act comes into force vested in such local authority or such person or body of persons, as the case may be,

that land may be so vested in the manner provided by subsection (1).

PART VI

Assessment Of Compensation

Market value.

45. (1) For the purposes of this Act the market value of a land in respect of which a notice under section 7 has been published shall, subject as hereinafter provided, be the amount which the land might be expected to have realized if sold by a willing seller in the open market as a separate entity on the date of publication of that notice in the Gazette :

Provided that, in determining that amount, all such returns and assessments of income from, or of the capital or annual value of, that land as have been made or acquiesced in by the owner of that land for the purposes of any rate or tax imposed in respect of that land, shall be taken into consideration.

(2) For the purposes of this Act the market value of a servitude shall—

(*a*) where it is a new servitude which is to be created by its acquisition under this Act, be the amount by which the market value of the servient tenement of the servitude will be diminished by the creation of the servitude, or

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(*b*) where it is an existing servitude which is to be extinguished by the acquisition of the servitude and its servient tenement under this Act, be the amount by which the market value of the dominant tenement of the servitude will be diminished by the extinction of the servitude.

(3) Where any portion of a land which is to be acquired under this Act is situated within any street lines or building limit defined by or under any other written law, the market value of that portion shall be the market value which that portion would have if it does not fall within such street lines or building limit.

Assessment of compensation.

46. (1) The amount of compensation to be paid under this Act to any person interested in a land shall—

(*a*) where the compensation is for the acquisition of that land, be based on the market value of that land, or

(*b*) where the compensation is for the acquisition of a servitude over that land, be based on the market value of that servitude,

and shall be proportionate to his interest in that land. No additional compensation shall be allowed to him in consideration of the compulsory nature of the acquisition, but, where it is the land which is to be acquired, he shall be entitled to—

(i) compensation for any damage sustained by reason of the severance of the land from his other land, the severance being deemed to occur on the date on which the notice under section 7 in respect of the land is published in the Gazette ;

(ii) compensation for any damage sustained by reason of the acquisition of the land injuriously affecting, in any manner other than that mentioned in paragraph (i), his adjoining land or any immovable property thereon, the injurious affection being deemed to occur on the aforesaid date ;

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(iii) compensation for any such loss of earnings from any business carried on on the land on the aforesaid date as may be caused by the acquisition of the land ; and

(iv) any reasonable expenses of effecting any change of residence necessarily caused by the acquisition of the land :

Provided that—

(*a*) the total amount of the compensation under paragraph (i) and paragraph (ii) of this subsection shall not exceed twenty *per centum* of the market value of the land to be acquired ;

(*b*) the amount of the compensation under paragraph (iii) of this subsection shall not exceed three times the average annual net profits from the business, as shown by the books of accounts, for the three calendar years immediately preceding the date on which the notice under section 7 in respect of the land is published in the Gazette ; and

(*c*) no compensation shall be allowed under paragraph (iii) of this subsection if the business is the sale or disposal of the produce of the land to be acquired.

(2) Where any premises which are to be acquired under this Act are, and but for their compulsory acquisition would continue to be, devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation payable in respect of those premises under this Act may, if the acquiring officer assessing the compensation is satisfied that the persons interested in those premises genuinely intend, when those premises are acquired, to provide for the aforesaid purpose premises equally convenient as the acquired premises, be assessed on the basis of the reasonable cost of providing for that purpose premises equivalent to those which are to be acquired under this Act.

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Deduction.

47. Where the compensation assessed under section 46 is for the acquisition of only a part of any land, the amount by which the market value of the remaining part of that land is likely to increase by reason of such acquisition shall be deducted from the amount of such compensation, the amount of the deduction being not more than twenty *per centum* of the market value of such part of that land as is acquired under this Act.

Matters to be ignored.

48. In determining under section 46 the compensation to be paid to any person for the acquisition of a land or servitude, none of the following matters shall be taken into consideration :—

(*a*) the degree of urgency which has led to the acquisition of the land or servitude under this Act ;

(*b*) his disinclination to part with his interest in the land or to allow the acquisition of the servitude ;

(*c*) any damage sustained by him which, if caused by a private person, would not render such person liable to a suit ;

(*d*) any damage which, after the award of compensation, is likely to be caused by or in consequence of the use to which the land or servitude will be put after its acquisition under this Act ;

(*e*) any increase which is likely to occur in the market value of the land by reason of the use to which it will be put after its acquisition under this Act ;

(*f*) any outlay or improvement made or commenced on the land after the notice under section 4 in respect of the land was given or exhibited unless such outlay or improvement was reasonably for the purpose of maintaining or preserving the land or any plantation, building, fixture, or machinery thereon ;

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(*g*) the special suitability or adaptability of the land for any purpose to which it could be applied only under statutory powers or for which there is no market apart from the special needs of a particular purchaser or the requirements of any Government department or local authority or of any body of persons constituted by or under any other written law ;

(*h*) the amount of any such increase in the market value of the land as has been caused by the use thereof or of any premises thereon in a manner which can be restrained by any court or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health.

PART VII

General

Compulsory acquisitions authorized by any other written law.

49. Where any other written law authorizes the acquisition of land under this Act and the Minister decides that any land is reasonably required under such other written law by any authority, person or body of persons, the purpose for which that land is required shall be deemed to be a public purpose and the provisions of this Act shall apply accordingly to the acquisition of that land for that authority, person or body of persons.

Abandonment of acquisition proceedings.

50. (1) The proceedings commenced under this Act for the acquisition of any land or servitude may, at any time before an Order under section 38 in respect of that land or servitude is published in the Gazette, be abandoned.

(2) Where the proceedings commenced under this Act for the acquisition of any land or servitude are abandoned after a person interested in the land which is to be acquired or over which the servitude is to be acquired, has incurred costs by reason of any proceedings taken under this Act in any court or before the board, the Government shall pay to that person the amount of those costs as determined by that court or the board.

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Order, direction or declaration of Minister.
[§ 15, 39 of 1954.]

51. Any order, declaration or direction of the Minister under this Act may be signified under the hand of the Permanent Secretary or any Assistant Secretary to the Ministry.

Notices.

52. Where this Act requires a notice relating to a land to be given to any person interested in that land, that notice shall be deemed to be given to him if—

(*a*) where his address is known, it is sent by registered letter through the post to him at that address, or

(*b*) where his address is not known—

(i) it is sent by registered letter through the post to any occupier of that land, or

(ii) in the absence of such an occupier, it is exhibited in some conspicuous places on or near that land.

Informality or irregularity.

53. No informality or irregularity occurring in any matter or proceedings under this Act shall invalidate or affect the title of Her Majesty to any land acquired under this Act.

Limitation of doctrine of *res adjudicata*.

54. Where in any proceedings in a court under this Act the court makes a determination of the question of title to a land under such circumstances that in any subsequent legal proceedings such determination would be deemed to be *res adjudicata* as between the parties to the first-mentioned proceedings, such determination shall not operate as *res adjudicata* except so far as it relates to such portion of that land as has been actually acquired under this Act.

Powers of Chief Valuer and his agents.

55. The Chief Valuer of the Government, or any officer authorized by him in that behalf, may—

(*a*) examine any such record, document or plan kept at the office of a local authority as relates to any land which is to be acquired under this Act or is comparable with any land which is to be so acquired,

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(b) inspect any such land after giving written notice of the inspection to the owner or occupier of the land, and

(c) require any person who is or was at any time the owner or occupier of any such land to render to him, on or before the date specified in the requisition (such date not being earlier than the fourteenth day after the date of the requisition), a return, on such form as he may supply to that person, setting out particulars in respect of such prescribed matters within the knowledge of that person as may be specified in the form.

Registered valuers.

56. (1) After such date as may be appointed by the Minister by notice published in the Gazette, the opinion, regarding the value of any land which is to be acquired under this Act, of any person other than a person who is or is deemed to be a registered valuer, shall not, at any proceedings before the board, be regarded as the opinion of an expert.

(2) For the purposes of subsection (1), every valuer of the Valuation Department of the Government shall be deemed to be a registered valuer.

(3) In this section, "registered valuer" means a valuer registered in accordance with such regulations as may be made under section 63 for the registration of valuers.

Rights of persons lawfully entitled to land acquired under this Act.

57. (1) Nothing contained in this Act shall affect the right of any person who is lawfully entitled to any compensation which is paid under this Act to any other person to recover that compensation from that other person.

(2) Where in lieu of compensation for any land acquired under this Act any other land which is the property of the Crown is transferred to any person under section 36, any other person who is lawfully entitled to the land acquired under this Act shall, except as against a bona fide purchaser for value without notice, have the same right for the recovery

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of the land transferred to the first-mentioned person as that other person would have had for the recovery of the land acquired under this Act before the acquisition ; and nothing in this Act shall be deemed to prejudice any right to damages or any other remedy of that other person against the first-mentioned person.

Wanton damage to land during investigation.

58. Where any officer empowered by subsection (3) of section 2 to enter any land wantonly causes any damage to that land or to anything thereon, he shall be deemed to commit the offence of mischief within the meaning of the Penal Code and shall be liable to the punishment prescribed for that offence in that Code.

Omission to give information or giving false information.

59. Every person required to make or deliver a statement under section 8 or to render a return under section 55 shall be deemed to be legally bound to do so within the meaning of sections 174 and 175 of the Penal Code.

Non-compliance with summons.

60. A person who fails to comply with a summons served on him under subsection (3) of section 9 shall, unless his failure to comply with such summons was due to his illness or to any other cause beyond his control, be guilty of an offence punishable with a fine not exceeding fifty rupees.

False evidence.

61. A person who, upon examination on oath or affirmation at an inquiry held under section 9, wilfully gives false evidence shall be guilty of the offence of giving false evidence under Chapter XI of the Penal Code and shall be liable to the punishment therein prescribed.

Temple Lands Compensation Ordinance not to be affected by this Act.

62. Nothing contained in this Act shall be deemed to affect the provisions of the Temple Lands (Compensation) Ordinance.

Regulations.

63. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

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(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters :—

(*a*) all matters stated or required by this Act to be prescribed ;

(*b*) the making of such amendments in any other written law as are consequential to the provisions of this Act ;

(*c*) the form of any order, notice, certificate, declaration or agreement issued or made under this Act ;

(*d*) the procedure to be followed at meetings of the board ;

(*e*) the evidence which may be required or admitted in any proceedings before the board ;

(*f*) the basis of assessing the market value of any land or the compensation for any injurious affection caused by the acquisition of any land under this Act, in so far as such basis is not specified in this Act ;

(*g*) the registration of valuers.

(3) No regulation made by the Minister under this section shall have effect until it is approved by the Senate and the House of Representatives. Notice of the approval of any regulation by the Senate and the House of Representatives shall be published in the Gazette.

(4) Where a regulation made by the Minister under this section is approved by the Senate and the House of Representatives and notice of the approval is published in the Gazette, that regulation shall be valid and effectual as if it were herein enacted.

Certain matters pending under Land Acquisition Ordinance, 1876, to be referred to board of review.

64. Where any proceedings under the Land Acquisition Ordinance, 1876,* whether those proceedings are proceedings instituted in a District Court under section 11 of that Ordinance or are any other proceedings, are pending or incompleted on the date on which this

* Repealed by Act No. 9 of 1950.

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Act comes into force and the only question for determination in those proceedings is in regard to the amount of compensation payable to any person or persons, that question shall, if any party to those proceedings who is interested in that question so desires, be referred to the board of review for determination ; and the board shall, notwithstanding anything to the contrary in this Act, hear and determine that question in accordance with the provisions of this Act as though that question were an appeal made to, and entertained by, the board under this Act.

Interpretation.

65. In this Act, unless the context otherwise requires—

"acquiring officer", with reference to any land, means the Government Agent of the administrative district in which that land is situated, or any other prescribed officer ;

"land" includes any interest in, or any benefit to arise out of, any land, and any leasehold or other interest held by any person in any Crown land, and also things attached to the earth or permanently fastened to anything attached to the earth ;

"local authority" means any Municipal Council, Urban Council, Town Council or Village Committee, or any other institution which may hereafter be established by law for purposes of local self-government with power to impose and levy a rate on property ;

"Minister" means the Minister who is for the time being charged with the administration of the subjects and functions relating to Crown lands ;

"Permanent Secretary" means the Permanent Secretary to the Ministry in charge of the Minister ;

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"person interested", with reference to a land, means a person having an interest in the land as owner, co-owner, mortgagee, lessee or otherwise, whether absolutely for himself or in trust for any other person or for any charitable, religious or other purpose ; or a person having a servitude over the land ;

"prescribed" means prescribed by regulation made under this Act ; and

"public purpose" includes a purpose which, under this Act or any other written law, is deemed to be a public purpose.

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CHAPTER 461

TEMPLE LANDS (COMPENSATION)

Ordinance No. 28 of 1944, *Act* No. 9 of 1950.

AN ORDINANCE TO MAKE PROVISION FOR THE PAYMENT TO THE PUBLIC TRUSTEE OF MONEYS PAYABLE AS COMPENSATION UNDER THE LAND ACQUISITION ACT IN RESPECT OF LANDS BELONGING TO TEMPLES ; FOR THE APPLICATION OF SUCH MONEYS TO CERTAIN PURPOSES ; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[*5th September, 1944.*]

Short title.

1. This Ordinance may be cited as the Temple Lands (Compensation) Ordinance.

Compensation for acquisition of temple land to be paid to Public Trustee. [§ 6, 9 of 1950.]

2. (1) Where any land belonging to a temple is acquired for public purposes under the Land Acquisition Act—

(*a*) the Public Trustee shall be entitled to claim to be a person interested in that land, and to appear, as a person so interested, in any proceedings taken under that Act in connexion with the acquisition of that land ; and

(*b*) notwithstanding anything in that Act, all sums of money awarded under that Act as compensation for or in respect of the acquisition of that land, less any costs which a court determining the amount of such compensation orders the Public Trustee to pay, shall be paid to the Public Trustee.

(2) Notwithstanding anything in the Buddhist Temporalities Ordinance, no sum of money paid as compensation under the Land Acquisition Act for or in respect of the acquisition of any land belonging to a temple shall vest in the trustee or the controlling *viharadhipati* of that temple.

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Application and investment of moneys received by Public Trustee as compensation for acquisition of temple land. [§ 62, 9 of 1950.]

3. (1) All sums received by the Public Trustee as compensation under the Land Acquisition Act for or in respect of the acquisition of any land belonging to a temple shall be deposited by him in the joint names of himself and of the trustee or controlling *viharadhipati* of such temple in a bank approved by the Minister,[1] and shall, in consultation with such trustee or controlling *viharadhipati,* be applied by him to one or more of the following purposes :—

(*a*) the purchase of land for that temple ;

(*b*) the maintenance of the *bhikkus* of that temple ;

(*c*) the construction of buildings for the accommodation of the *bhikkus* of that temple ;

(*d*) the construction of buildings and other structures necessary for the due performance of religious worship and such customary ceremonies as heretofore maintained in, or by, or in connexion with that temple ;

(*e*) any other purpose which is likely to promote the aims and activities of that temple and which is approved by the advisory board appointed under the Buddhist Temporalities Ordinance.

(2) Where in any case referred to in subsection (1), the sums received by the Public Trustee or any part thereof cannot, in the opinion of the Public Trustee and of the trustee or controlling *viharadhipati,* be applied immediately or at an early date to any of the purposes specified in that subsection, such sums or part thereof shall be invested by the Public Trustee, in the joint names of himself and of the trustee or controlling *viharadhipati,* in any of the securities prescribed in section 20 of the Trusts Ordinance for the investment of trust property which consists of money.

(3) In the event of any disagreement between the Public Trustee and the trustee or controlling *viharadhipati* as to the purpose to which any sum mentioned in subsection (1) should be applied or as to any investment to be made under subsection (2), the Public Trustee shall submit the matter in dispute to the Minister[1] for decision, and such decision shall be final.

M. 58——J. N. R 7598 (4/61)

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Vesting of property acquired and of interest from investments.
[§ 62, 9 of 1950.]

4. Where any moneys received by the Public Trustee as compensation under the Land Acquisition Act for or in respect of the acquisition of any land belonging to a temple are applied by him under section 3 to the purchase of any land or to the construction of any building or other structure, then the land so purchased or the building or structure so constructed, and where any such moneys are invested in securities under that section, then the interest derived from the investment, shall become the property of that temple and shall vest in the trustee or controlling *viharadhipati* of that temple in accordance with the provisions of section 20 of the Buddhist Temporalities Ordinance.

Interpretation.

5. In this Ordinance, unless the context otherwise requires—

"controlling *viharadhipati*", "*paraveni panguwa*", "Public Trustee", "temple", and "trustee" have the same meaning as in the Buddhist Temporalities Ordinance; and

[§ 62. 9 of 1950.]

"land" has the same meaning as in the Land Acquisition Act, but does not include a *paraveni panguwa*.

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CHAPTER 462

REQUISITIONING OF LAND

AN ACT TO AUTHORIZE THE TAKING OF POSSESSION AND THE USE OF LAND REQUIRED FOR CERTAIN ESSENTIAL PURPOSES, TO PROVIDE FOR THE DETERMINATION OF THE COMPENSATION PAYABLE IN RESPECT OF SUCH LAND, AND TO MAKE SPECIAL PROVISION RELATING TO THE ACQUISITION OF SUCH LAND AND OF LAND HERETOFORE REQUISITIONED UNDER DEFENCE REGULATIONS.

Acts Nos. 33 of 1950, 20 of 1953.

[*9th December, 1950.*]

1. This Act may be cited as the Requisitioning of Land Act. Short title.

PART I

POSSESSION OF LAND AND PROVISION FOR COMPENSATION

2. (1) It shall be lawful for a competent authority, with the prior approval of the Prime Minister, to take possession of any land and to give such written directions as appear to him to be necessary or expedient in connexion with the taking of possession of such land, in any case where it appears to him that the land is required— Power to take possession of land.

(*a*) for the purpose of the maintenance of supplies or services essential to the life of the community ; or

(*b*) for the purposes of use or occupation by Her Majesty's Ceylon forces or any visiting force.

(2) The owner or occupier of any land shall, if requested by or on behalf of a competent authority so to do, furnish to such authority or person as may be specified in the request such information in his possession relating to the land (being information which may reasonably be demanded of him for the purposes of this section) as may be so specified.

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(3) Any police officer may, if requested so to do by a competent authority, take such steps and use such force as may be reasonably necessary for securing compliance with any directions given under subsection (1) in relation to the taking or giving up of possession of any land.

(4) The period during which possession may be retained by virtue of this Act of any land of which possession is taken under this section shall be fixed by the Prime Minister at the time of taking of possession ; but such period may from time to time be extended by the Prime Minister.

Continuation of occupation of land requisitioned under the Defence Regulations.

3. (1) In any case where possession of any land had, on or after the 24th day of February, 1946, been taken by a competent authority under regulation 34 of the Defence (Miscellaneous) Regulations as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945, of the Parliament of the United Kingdom, and the land is at the appointed date in the occupation of that competent authority or of any other person authorized by the competent authority in that behalf, the competent authority under this Act may, if it appears to him that the land is required for the purpose of the maintenance of supplies or services essential to the life of the community, give notice in writing by registered post to the owner of the land that possession and occupation of the land is to be continued after the appointed date ; and in any such case possession of the land shall be deemed for the purposes of this Act to be taken on that date by virtue of section 2 of this Act.

(2) In any case where possession of any land was continued after the 24th day of February, 1946, under regulation 34 of the Defence (Miscellaneous) Regulations as having effect by virtue of the Emergency Laws (Transitional Powers) Act, 1946, of the Parliament of the United Kingdom, and the land is at the appointed date in the occupation of a competent authority or of any other person authorized in that behalf under that regulation, the competent authority under this Act may, if it appears to him that the land is required for the purposes of use or occupation by Her Majesty's

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Ceylon forces or any visiting force or for the purpose of the maintenance of supplies or services essential to the life of the community, give notice in writing by registered post to the owner of the land that possession and occupation of the land is to be continued after the appointed date ; and in any such case possession of the land shall be deemed for the purposes of this Act to be taken on that date by virtue of section 2 of this Act.

(3) For the purposes of the application of the Defence (Compensation) Regulations, 1941, in relation to any land in the case of which the power conferred by subsection (2) of this section is exercised, the period of possession of that land in the exercise of emergency powers shall be deemed to have terminated on the appointed date :

Provided, however, that notwithstanding anything in the Defence (Compensation) Regulations, 1941—

(*a*) any compensation, under sub-paragraph (*b*) of paragraph (1) of regulation 2 thereof, in respect of any damage to any such land which may have occurred before the appointed date, shall not accrue due until the end of the period for which possession of the land is retained by virtue of this Act, and shall be paid to the person who is the owner of the land at the end of the period aforesaid ; and

(*b*) no compensation under the aforesaid sub-paragraph (*b*) shall be payable in respect of any such damage which may be made good by a person acting on behalf of a competent authority while possession of the land is retained by virtue of this Act ; and

(*c*) the procedure set out in sections 9 to 12 of this Act and in any regulations made under this Act shall apply in relation to any claim for any compensation referred to in paragraph (*a*) of this proviso in like manner as though the claim were a claim for compensation under this Act. [§ 2, 20 of 1953.]

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Occupation and use of requisitioned land.

4. Any land, of which possession is taken under section 2 of this Act or is deemed to be taken by virtue of that section, may, notwithstanding any restriction imposed on the use thereof by any other written law or any instrument or otherwise, be used by, or under the authority of, the competent authority, for such purpose and in such manner, as that authority thinks expedient for any purpose referred to in paragraph (*a*) or paragraph (*b*) of section 2 (1) ; and the competent authority, so far as appears to him to be necessary or expedient in connexion with the use of the land by virtue of this section—

(*a*) may do, or authorize persons using the land as aforesaid to do, in relation to the land, anything which any person having an interest in the land would be entitled to do by virtue of that interest ; and

(*b*) may by order provide for prohibiting or restricting the exercise of rights of way over the land, and of other rights relating thereto, which are enjoyed by any person, whether by virtue of an interest in the land or otherwise.

The power of the competent authority under this section to authorize the use of land for any purpose shall include the power to authorize a person carrying on any business or undertaking to occupy and use the land for the purposes of that business or undertaking upon such terms as may be agreed between such person and the competent authority.

Compensation payable in respect of requisitioned land.

5. Compensation, assessed in accordance with the provisions hereinafter contained in that behalf, shall be paid in respect of the taking of possession and the occupation of any land possession of which is taken under section 2 of this Act or is deemed to be taken by virtue of that section.

Amount of compensation.

6. (1) The amount of the compensation payable as provided in section 5 in respect of any land shall be—

(*a*) a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of the land, during the period for which

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possession of the land is retained by virtue of this Act, under a lease granted immediately before the beginning of that period, whereby the tenant undertook to pay all usual rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the land in a state to command that rent ; and

(*b*) a sum equal to the cost of making good any damage to the land which may have occurred during the period for which possession thereof is so retained (except in so far as the damage has been made good during that period by a person acting on behalf of the competent authority) ; and

(*c*) in a case where the land is agricultural land, a sum equal to the amount (if any) which might reasonably have been expected to be payable in addition to rent by an incoming tenant, in respect of things previously done for the purpose of the cultivation of the land, and in respect of seeds, cultivation, growing crops and other similar matters, under a lease of the land granted immediately before possession thereof was taken ; and

(*d*) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of the competent authority, for the purpose of compliance with any directions given by the competent authority in connexion with the taking of possession of the land :

Provided, however, that in computing for the purposes of paragraph (*a*) of this subsection the rent of any land of which possession is deemed to be taken by virtue of section 2 of this Act, no account shall be taken of any building or structure erected on the land before the appointed date by a person acting on behalf of a competent authority under the Defence (Miscellaneous) Regulations ;

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Provided, further, that in the case of any land, being premises to which the Rent Restriction Act applies, the amount of the rent computed for the purposes of paragraph (*a*) of this subsection shall not exceed the authorized rent of the premises as determined under that Act.

(2) Any compensation under paragraph (*a*) of subsection (1) shall be considered as accruing due from day to day during the period for which the possession of the land is retained by virtue of this Act, and be apportionable in respect of time accordingly, and shall be paid to the person who for the time being would be entitled to occupy the land but for the fact that possession thereof is retained by virtue of this Act ; but this subsection shall not operate so as to require the making of payments at intervals of less than one month in arrear.

For the purposes of any written law relating to income tax and any written law relating to tax or rates leviable on land, and, in particular, for the purposes of any such written law relating to the deduction of tax or rates from rent, any compensation under the said paragraph (*a*) shall be deemed to be rent payable for the land, the Crown shall be deemed to pay it as tenant occupier, and the person receiving it shall be deemed to receive it as landlord.

(3) Any compensation under paragraph (*b*) of subsection (1) shall accrue due at the end of the period for which possession of the land is retained by virtue of this Act, and shall be paid to the person who is then the owner of the land.

[§ 3, 20 of 1953.] (4) Notwithstanding anything in the preceding provisions of this section, the maximum amount of the compensation payable in any case under paragraph (*b*) of subsection (1) shall be an amount equal to the market value which the land would have had on the date of the termination of the period for which possession of the land is retained by virtue of this Act, if

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until that date it had remained in the original condition in which it was on the date on which possession thereof was first taken by a competent authority under this Act, or on which possession thereof was deemed to be taken by virtue of section 2 of this Act :

Provided, however, that where the competent authority is of opinion—

(*a*) that, if the land had remained in such original condition, its market value at any time during the period for which possession thereof was retained by virtue of this Act would have been higher than such maximum amount as aforesaid, and

(*b*) that, having regard to the circumstances referred to in paragraph (*a*), the limitation of the compensation to such maximum amount would be inequitable,

the competent authority may in his discretion determine that, in addition to the compensation payable under paragraph (*b*) of subsection (1), there shall be awarded as special additional compensation an amount not exceeding the difference between (i) the highest market value which the land would have had during the period mentioned in paragraph (*a*), and (ii) such maximum amount as aforesaid.

No appeal shall lie against a determination by the competent authority of the amount of the special additional compensation to be awarded under the proviso to this subsection ; and in any case where the amount of the compensation payable under paragraph (*b*) of subsection (1) is increased or reduced upon any appeal, the competent authority may in his discretion reduce or increase the amount to be awarded under the proviso as special additional compensation.

(5) Where in the case of any land of which possession is deemed to be taken by virtue of section 2 of this Act, compensation is payable under sub-paragraph (*b*) of paragraph (1) of regulation 2 of the Defence (Compensation) Regulations, 1941, in respect of any damage to the land which may have occurred during [§ 3, 20 of 1953.]

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the period for which the land was in the occupation of a competent authority or of any other person under or by virtue of the Defence (Miscellaneous) Regulations as having effect whether before or after the 24th day of February, 1946, nothing in this Act shall confer or be deemed or construed to confer any right to compensation in respect of such damage in any amount exceeding the amount payable under that sub-paragraph ; and the amount of such compensation shall accordingly be computed separately from the compensation, if any, which may be payable under this Act in respect of any damage to the land which may have occurred during the period for which possession thereof is retained by virtue of this Act.

(6) Any compensation under paragraph (*c*) of subsection (1) shall accrue due at the time when possession of the land is taken under section 2 of this Act and shall be paid to the person who, immediately before that time, was the occupier of the land.

(7) Any compensation under paragraph (*d*) of subsection (1) shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred.

Interest on compensation.

7. Any compensation under this Act shall carry interest, as from the date on which it accrues due until payment, at such rate not exceeding five *per centum* per annum as the Minister may from time to time prescribe by Order made with the concurrence of the Minister of Finance.

Provision as to land subject to mortgage.

8. Where any sum by way of compensation is paid in accordance with this Act to the owner of any land, then, if the land is, at the time when the compensation accrues due, subject to any mortgage, the sum so paid shall be deemed to be comprised in that mortgage.

Claims for compensation.

9. (1) No claim for any compensation under this Act shall be entertained unless notice of the claim has, in such form and manner as may be prescribed by regulations, been given to the prescribed authority within the period of six months commencing on the date on

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which the compensation accrues due or such longer period as the Minister of Justice may prescribe either generally or in relation to any particular claim or class of claims.

(2) Every such notice of claim shall be signed by the claimant or by a person duly authorized by him in that behalf and shall be delivered or transmitted to the prescribed authority referred to in subsection (1).

Dispute as to right to compensation.

10. In any case where any dispute arises as to the person to whom any compensation under this Act in respect of any land is payable, the provisions of sections 10 to 14 of the Land Acquisition Act shall apply in like manner as they apply where any land is to be acquired under that Act.

Settlement of award as to compensation.

11. (1) Upon any claim for any compensation under this Act being duly made in accordance with the provisions of section 9, the competent authority shall endeavour to settle by agreement the amount of the compensation, if any, payable to the claimant ; and the competent authority shall, whether or not such agreement is reached, make an award under his hand determining the amount of the compensation, if any, which in his opinion should, in accordance with the provisions of this Act, be paid to the claimant.

The competent authority shall give written notice of the award to the claimant.

(2) In any case where any dispute referred to in section 10 has arisen, the competent authority shall defer the making of an award under this section until there has been a final decision or determination upon that dispute ; and in any such case the award made under this section shall accord with the final decision or determination upon the dispute.

Appeal from award.

12. Any claimant who is dissatisfied with the award made by the competent authority under section 11 upon his claim for compensation may appeal against that award to the board of review constituted under section 19 of the Land Acquisition Act ; and the provisions of subsections (2) and (3) of section 22 of that Act and of sections 23 to 28 of that Act shall apply in relation to any appeal so preferred.

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PART II

Compulsory Acquisition Of Requisitioned Land

Protection of rights to compensation under Defence Regulations. [§ 4, 20 of 1953.]

13. (1) If, at the time when the Defence (Compensation) Regulations, 1941, expire or are revoked, there is pending any claim for any compensation payable under those regulations, in respect of any land of which possession and occupation was not continued after the appointed date under section 3 of this Act, the procedure set out in sections 11 and 12 of this Act shall apply in relation to such claim in like manner as though it were a claim for compensation under this Act; and accordingly any proceedings in respect of any such claim which are pending at the aforesaid time of expiration or revocation before a tribunal constituted under the Defence (Compensation) Regulations, 1941, shall, in accordance with regulations which are hereby authorized to be made in that behalf under section 21 of this Act, be transferred to and disposed of by the board of review constituted under section 19 of the Land Acquisition Act.

(2) For the purposes of enabling the provisions of subsection (1) of this section and of subsection (3) of section 3 and of subsection (5) of section 6 to have effect, but subject to the aforesaid provisions, section 6 (3) of the Interpretation Ordinance shall, notwithstanding that the Defence (Compensation) Regulations, 1941, may expire or be revoked, apply in all respects as though those regulations are, on the date of their expiration or revocation, repealed by written law.

Application of Ordinance No. 21 of 1944.

14. In any case where any land, possession of which is deemed to be taken by virtue of section 2 of this Act, is acquired under the Land Acquisition Act, while it is in the possession of any authority or person under the powers conferred by this Act, the provisions of the Land Acquisition (War Purposes) (Assessment of Compensation) Ordinance, No. 21 of 1944,* as amended by Act No. 9 of 1950, (which Ordinance is hereinafter

* Omitted under section 6 (1) of the Revised Edition of the Legislative Enactments Act.

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referred to as the "special Ordinance"), shall apply in all respects as though the possession of the land by virtue of this Act were possession under emergency powers as defined in that Ordinance.

Construction of section 2 of the special Ordinance.

15. The special Ordinance shall have effect and be deemed at all times after its enactment to have had effect in relation to any land in like manner as though the reference in section 2 thereof to "purposes connected with the present war" included a reference to all the purposes for which possession of that land is or was authorized to be retained, whether by this Act or by any Defence Regulation heretofore in force.

Exclusion of damage compensation where the special Ordinance. applies.

16. (1) In every case where any land is acquired under the Land Acquisition Act, and the provisions of the special Ordinance apply in relation to the compensation payable in respect of the acquisition, then, notwithstanding anything in the Defence (Compensation) Regulations, 1941, no compensation under subparagraph (*b*) of paragraph (1) of regulation 2 of those regulations shall be payable or be deemed to be payable to any person in respect of that land.

(2) The provisions of subsection (1) of this section shall be deemed to have come into force on the date of the commencement of the special Ordinance.

Compensation upon acquisition of land where possession is taken under section 2.

17. (1) In every case where any land, possession of which is taken under section 2 of this Act, is acquired under the Land Acquisition Act, while it is in the possession of any authority or person under the powers conferred by this Act, then, in determining the amount of compensation to be awarded under the Land Acquisition Act for that land—

(*a*) the market value of that land shall be taken to be the market value (within the meaning of that Act) which that land would have had if it had remained, until the date by reference to which the market value is required by that Act to be determined, in the condition in which it was at the date on which possession thereof was taken under section 2 of this Act; and

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(*b*) no account shall be taken of any enhancement or depreciation in the value which may be attributable, directly or indirectly, to any buildings, works or improvements erected, constructed, demolished or made on, over or under that land for any purpose for which the land is authorized by this Act to be used.

(2) In every case where the provisions of subsection (1) apply in relation to the compensation payable in respect of the acquisition of any land, then, notwithstanding anything in paragraph (*b*) of subsection (1) of section 6 of this Act, no compensation under that paragraph shall be payable or be deemed to be payable to any person in respect of that land.

PART III

General

Appointment of competent authority.

18. The Minister may from time to time appoint any public officer to be, for the purposes of this Act, a competent authority, whether for the whole of Ceylon or for any specified area.

Certificate that land is required under this Act.

19. In any proceedings in any court, a certificate under the hand of the Prime Minister that any land specified or described therein is required for any purpose so specified shall be conclusive proof that the land is required for such purpose.

Service of notices.

20. Any notice which by this Act is required or authorized to be served on any person shall be deemed to be duly served if it is sent by registered letter through the post to the last known address of that person, or where the address is not known, if the notice is published in the Gazette.

Regulations.

21. (1) The Minister may make such regulations as may be necessary for carrying out or giving effect to the principles and provisions of this Act; and without prejudice to the generality of the powers herein before conferred, any such regulation may provide

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that any provision of the Land Acquisition Act specified in section 10 or section 12 of this Act shall in its application for the purposes of this Act have effect subject to such amendments, omissions or modifications as may be specified in the regulation.

(2) No regulation made by the Minister under this section shall have effect until it is approved by the Senate and the House of Representatives. Notice of the approval of any regulation by the Senate and the House of Representatives shall be published in the Gazette.

(3) Where a regulation made by the Minister under this section is approved by the Senate and the House of Representatives and notice of the approval is published in the Gazette, that regulation shall be valid and effectual as if it were herein enacted.

22. In this Act, unless the context otherwise requires— Interpretation.

"appointed date" means the 9th day of December, 1950;

"agricultural land" means any land used for cultivation, plantation, or pasture and includes land used for the purpose of poultry farming, market gardens, nurseries, or orchards;

"Her Majesty's Ceylon forces" means the naval, military or air forces of Her Majesty raised in Ceylon;

"land" includes land covered with water, and houses, buildings and parts of houses or buildings;

"owner", in relation to land, means the person who is receiving the rent of the land whether on his own account or as agent or trustee for any other person, or who would so receive the rent of the land if it were let at a rent;

"visiting force" has the same meaning as in the Visiting Forces Act.

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CHAPTER 463

LAND SETTLEMENT

Ordinances Nos. 20 of 1931, 22 of 1932, 31 of 1933, *Act* No. 22 of 1955.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO LAND SETTLEMENT.

[*23rd October, 1931.*]

Short title.

1. This Ordinance may be cited as the Land Settlement Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"claim" means any claim made under this Ordinance and "claimant" means any person making a claim ;

"interest", in relation to any land, means an interest less than the full ownership of the land ;

"land" means an allotment of land the boundaries of which have been delineated by survey, or any portion of any such allotment divided, or capable of being divided, from the remainder of such allotment, and includes the bed of any waterway or collection of water, whether such waterway or collection of water is natural or artificial ;

"Ordinance" includes the Ordinance referred to and any enactment amending it and any rules, regulations or by-laws made under any of such Ordinances or enactments and for the time being in force ;

"person" includes any body of persons corporate or unincorporate, but does not include the Crown ;

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"Settlement Officer" includes an Assistant Settlement Officer and a Government Agent acting under section 3 (2) ;

"share", in relation to any land, means an undivided share of the land ;

"the board" means the board established by section 11 ;

"unoccupied land" includes land occupied by, on behalf of, or under, the Crown.

Appointment of Settlement Officer and Assistant Settlement Officers and powers of Government Agents to apply the Ordinance.

3. (1) There may be appointed [3] a Settlement Officer and such number of Assistant Settlement Officers as may be [3] necessary.

(2) It shall be lawful for any Government Agent to apply the provisions of this Ordinance to any land, being of any of the descriptions set forth in section 4 (1), situated within his administrative district, and for that purpose to exercise and perform the powers and duties conferred and imposed by this Ordinance upon the Settlement Officer.

(3) It shall be lawful for any Settlement Officer appointed under this Ordinance to continue or to complete any action or proceeding taken or commenced under Ordinance No. 1 of 1897 * by a special officer appointed under section 28 of that Ordinance or by the Government Agent of a province or by the Assistant Government Agent of a district, where any such proceeding or action was pending or incomplete on the 23rd day of October, 1931 ; and for such purpose and from that date a Settlement Officer is hereby authorized to perform, execute and exercise the functions, duties and powers assigned to, imposed upon or vested in, any such special officer, Government Agent or Assistant Government Agent as the case may be.

Settlement Officer may by notice call for claims. Publication and form of notice.

4. (1) Whenever it appears to the Settlement Officer that any land is of any of the following descriptions :—

(*a*) forest, waste, unoccupied, or uncultivated land, or chena or other land which can only be cultivated after intervals of several years ; or

* Repealed by Ordinance No. 20 of 1931.

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(*b*) cultivated or otherwise improved land which was, within the period of twenty-five years next preceding the date of the notice hereinafter in this subsection provided for, land of any of the descriptions specified in paragraph (*a*) of this subsection,

it shall be lawful for him to declare by a notice signed and dated by him and published as hereinafter provided (in this Ordinance referred to as a "settlement notice") that, if no claim to such land or to any share of or interest in such land is made to him within a period of three months from a date to be specified in such notice the land to which or to any share of or interest in which no claim has been made as aforesaid will be declared under section 5 (1) to be the property of the Crown and will be dealt with on account of the Crown :

Provided that the date specified in such notice shall not be earlier than the date of the first publication of such notice, and that two or more lands shall not be included in one notice if such lands are respectively situated in more villages than one.

(2) Every settlement notice shall be published in the Gazette in the English, Sinhalese, and Tamil languages, and copies thereof shall be posted within the village in which the land is situated and on or near the land to which the notice relates and shall also be affixed to the walls of the several kachcheris and of the several courts, including the Rural Courts, of the province within which the land is situated and in such other localities as may secure the greatest possible publicity therefor, and the notice shall also be advertised by beat of tom-tom on or near the land within six weeks from the date of the publication of the notice.

(3) Whenever the extent of the land or the aggregate extent of all the lands included in a settlement notice exceeds ten acres, a notification substantially in form No. 4 in the First Schedule shall be published once at least in any two of the newspapers of Ceylon in the language in which each such newspaper is ordinarily

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published, provided that one of such newspapers shall be a newspaper published either in Sinhalese or in Tamil.

(4) If the Settlement Officer has reason to think that any person has a claim to the land to which the settlement notice relates or to any share of or interest in the land, he shall, in addition to publishing the notice as herein before prescribed, cause a copy thereof to be served upon such person or to be sent by post addressed to him at his last-known place of abode.

(5) Every settlement notice shall be in all material respects in form No. 1 in the First Schedule, and the Gazette in which such notice is published or an extract therefrom containing such notice and purporting to have been printed by the Government Printer or certified by some officer of the Crown, on behalf of the Crown, to be correct shall, if produced in any court in Ceylon, be received as prima facie evidence that the requirements of this Ordinance have been duly complied with in respect of such notice.

Powers and duties of Settlement Officer when claim is or is not made.

5. (1) If no claim is made within a period of three months from the date specified in any settlement notice to any land specified therein or to any share of or interest in any such land, the Settlement Officer shall make a declaration in writing, which shall be deemed for the purposes of this Ordinance to be a settlement in favour of the Crown, that such land to which or to any share of or interest in which no claim has been made is the property of the Crown :

Provided that if at any time within the said period of three months it is brought to the knowledge of the Settlement Officer that any person has a claim to any such land or to any share of or interest in any such land and that such person is then absent from Ceylon and was so absent at the date of the first publication in the Gazette of the notice aforesaid, the Settlement Officer shall not make a declaration that such land is the property of the Crown until after the expiry of a further period of six months commencing from the day on which the said period of three months expired.

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(2) If in pursuance of the settlement notice a claim is made to any land specified therein or to any share of or interest in any such land, either within the aforesaid period of three months or, in any case in which within the said period of three months it is brought to the knowledge of the Settlement Officer that some person who is absent from Ceylon has a claim to any such land or to any such share or interest, within the further period prescribed by the proviso to subsection (1), the Settlement Officer shall proceed to hold an inquiry into such claim and for that purpose may with such assistants as may be required enter upon any land to which the claim relates and make such inspection as may be necessary.

(3) For the purpose of the inquiry the Settlement Officer shall call upon every claimant, by summons in writing served upon him either personally or by being left at his last-known place of abode, to appear before the Settlement Officer upon a day and at a time and place within the administrative district in which the land is situated to be specified in such summons and to produce the evidence upon which such claimant relies in proof of his claim : and if after due service of the summons such claimant, upon the day and at the place and time specified as aforesaid or upon any subsequent day to which the inquiry or any proceeding under subsection (4) has been adjourned and at the place and time to which such inquiry or proceeding has been so adjourned or upon the day and at the place and time specified in any further summons duly served upon him as provided by this subsection, does not appear or does not produce such evidence, or if he withdraws his claim, then in any of such cases his claim shall be deemed to be null and void and the Settlement Officer may thereupon deal with the land to which the claim relates as though no such claim had been made :

Provided that if any claimant who has so failed to appear or to produce such evidence as aforesaid shall thereafter, and before the publication under section 8 of the order prescribed by subsection (5), appear before the Settlement Officer and satisfy the Settlement Officer that he had reasonable grounds for such

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failure to appear or to produce such evidence, the Settlement Officer shall proceed to consider his claim as though he had duly appeared or produced such evidence, and in such case it shall be lawful for the Settlement Officer for the purpose of dealing with such claim to declare any declaration made by him under subsections (1) or (4) or any agreement entered into by him under subsection (4) to be null and void ;

Provided also that it shall be lawful for the Settlement Officer in his discretion to dispense with the personal appearance of any claimant and to permit such claimant to appear or produce evidence and to be represented by an advocate or proctor or any duly authorized agent.

(4) If any claimant appears and produces such evidence as aforesaid, the Settlement Officer may, after considering such evidence and making any further inquiry that may appear proper, do any one or more of the following things :—

(*a*) make a declaration in writing, which shall be deemed for the purposes of this Ordinance to be a settlement, that any land specified in the settlement notice is not claimed by the Crown ; or

(*b*) make a declaration in writing, which shall be deemed for the purposes of this Ordinance to be a settlement, that some person unascertained is entitled to a particular share of or interest in any land specified in the settlement notice ; or

(*c*) enter with the claimant, upon such terms and conditions as may appear fit to the Settlement Officer, into an agreement in writing signed by the Settlement Officer and by the claimant, providing for either or both of the following, namely, that the said claimant or any other person shall be declared by settlement order under subsection (5) to be entitled either wholly or in part, or that the said claimant shall withdraw his claim either wholly or in

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part, to any land or to any share of or interest in any land specified in the settlement notice, and make a settlement of such land or share or interest in pursuance of such agreement :

Provided that in any case in which all claimants to, or to shares of or interests in, any land withdraw their claims by agreements entered into under this subsection or otherwise the Settlement Officer may deal with such land as though no claim had been made thereto ;

Provided also that it shall be lawful for the Settlement Officer, with the written consent of the claimant which shall not be revocable, to make a declaration in writing, which shall be deemed for the purposes of this Ordinance to be a settlement in favour of the Crown, that any land to which such claimant would otherwise have been declared to be entitled is Crown property set apart for the purpose of a communal chena reserve for the use of the inhabitants of such village as the Settlement Officer shall specify in such declaration.

(5) The Settlement Officer shall embody every settlement of any land specified in the settlement notice or of any share of or interest in any such land, whether made by declaration under subsection (1) or (4) (*a*) or (*b*) or (*c*), or in pursuance of an agreement entered into under subsection (4) (*c*), or in pursuance of or by decree of court under section 23, in an order made by him (in this Ordinance referred to as a "settlement order"), which shall be substantially in form No. 2 in the First Schedule.

(6) No settlement, other than a settlement made in pursuance of or by decree of court, which relates to any land or to any aggregate of lands exceeding ten acres in extent shall without the consent of the Minister [1] be embodied in any settlement order made under subsection (5) ; and upon publication of such settlement order under section 8 there shall be subjoined thereto substantially in form No. 3 in the First Schedule, a certificate of the consent of the Minister [1] to

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such settlement ; and if no such certificate is subjoined to the order as so published, the publication shall be of no effect so far as it relates to such settlement.

(7) Notwithstanding anything in this section contained, it shall be lawful for the Settlement Officer at any time prior to the publication under section 8 of the settlement order to make a declaration in writing that any land specified in the settlement notice has ceased to be the subject of proceedings under this Ordinance. Every such declaration shall be published in the Gazette as an appendix to the settlement order published under section 8 and relating to such notice, and no subsequent settlement notice shall have any force or validity in law so far as it relates to any land in respect of which any such declaration has been so made and published.

Offers by way of compromise.

6. (1) Before the Settlement Officer refers any claim or any portion thereof which is in dispute between himself and the claimant to the District Judge under section 12, he shall, if he thinks that in the circumstances of the case an offer should be made to the claimant by way of compromise and in order to ensure speedy settlement of such claim or portion thereof, communicate such offer in writing to the claimant and record in writing the nature of the offer and the fact that it was so made ; and if the claimant accepts the offer the Settlement Officer shall enter with him, under section 5 (4) (*c*), into an agreement embodying it.

(2) (*a*) It shall be lawful for the Minister [1] to make rules defining the basis on which such offers are to be assessed and made, and until such rules are made the rules in the Third Schedule shall apply.

(*b*) All rules made under this subsection shall be laid, as soon as conveniently may be, on the table of the Senate and the House of Representatives[1] at two successive meetings of the Senate and the House of Representatives,[1] and shall be brought before the Senate and the House of Representatives[1] at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the

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introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by the Senate or the House of Representatives,[1] such rules shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder and such rules, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette.

(3) If the Settlement Officer decides that no such offer should be made, he shall record in writing the fact that no such offer has been made and shall communicate his decision to the claimant.

(4) Any claimant who is dissatisfied with the nature or amount of any offer made to him under subsection (1), or to whom no such offer has been made, may apply, within a period of one month from the day on which such offer was made to him or on which the decision of the Settlement Officer not to make an offer was communicated to him, as the case may be, to the board to revise such offer, where the claimant is dissatisfied with the nature or amount of the offer, or to make an offer, where no offer has been made. Such application shall be made by petition addressed to the board and delivered to the Settlement Officer, who shall forward the petition to the chairman of the board.

(5) The board may, after considering any such application made as aforesaid and after holding or making, or ordering to be held or made, any inquiry or inspection that it may think fit, decide to—

(*a*) confirm any offer made by the Settlement Officer, or any decision of the Settlement Officer not to make an offer ; or

(*b*) revise any offer made by the Settlement Officer ; or

(*c*) make an offer where no offer has been made by the Settlement Officer ; or

(*d*) revise any offer made by the Settlement Officer to persons other than the applicant after due notice to them.

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(6) The chairman of the board shall inform the Settlement Officer of the decision of the board in respect of every such application, and the Settlement Officer shall thereupon communicate such decision to the claimant by writing under his hand.

(7) Every claimant to whom an offer has been made by the Settlement Officer under subsection (1) or to whom the decision of the Settlement Officer not to make an offer or any decision of the board has been communicated under subsections (3) or (6) may, within a period of one month from the day on which such offer was made or such decision was communicated to him or within such longer period therefrom as the Settlement Officer may by order in writing allow, enter with the Settlement Officer into an agreement under section 5 (4) (*c*).

(8) No offer made by the Settlement Officer under subsection (1) in respect of any claim, or confirmed, revised, or made by the board under subsection (5), and no proceedings relating thereto, shall be considered or adjudicated upon by any court ; but the court shall make order in respect of the claim as if no such offer had been made, confirmed or revised.

Agreements under section 5 (4) (*c*) may be made at any time prior to publication of settlement order.

7. Notwithstanding anything in this Ordinance contained it shall be lawful for the Settlement Officer to enter with any claimant into any agreement under section 5 (4) (*c*) at any time prior to the publication of the settlement order under section 8.

Settlement orders when published to be proof of title, &c.

8. Subject to the provisions of section 5 (6), every settlement order shall be published in the Gazette, and every settlement order so published shall be judicially noticed and shall be conclusive proof, so far as the Crown or any person is thereby declared to be entitled to any land or to any share of or interest in any land, that the Crown or such person is entitled to such land or to such share of or interest in the land free of all encumbrances whatsoever other than those specified in such order and that subject to the encumbrances specified in such order such land or share or interest vests absolutely in the Crown or in such person to the exclusion of all unspecified interests of whatsoever

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nature and, so far as it is thereby declared that any land is not claimed by the Crown or that some person unascertained is entitled to a particular share of or interest in any land, that the Crown has no title to such land or that some person unascertained is entitled to such share of the land or that such interest in the land exists and that some person unascertained is entitled thereto, as the case may be :

Provided that nothing in this section contained shall affect the right of any person prejudiced by fraud or the wilful suppression of facts of any claimant under the notice from proceeding against such claimant either for the recovery of damages or for the recovery of the land awarded to such claimant by the order ;

Provided further that nothing in this section shall affect the rights of *fideicommissarii* whose interests have been prejudiced by an order published under this section.

Registration of settlements.

9. (1) The Settlement Officer shall, before any settlement order is published under section 8, send a copy thereof to the Registrar of Lands of the registration district within which the lands in respect of which such order has been made are situated or, in any case in which such lands are situated in more registration districts than one, send a copy of the portion of such order relating to each registration district to the Registrar of Lands of that district. The Registrar of Lands shall, upon receipt thereof, enter in the books prescribed by the Registration of Documents Ordinance for the registration of instruments affecting land the particulars prescribed by that Ordinance of every settlement to which such copy relates as though such copy were an instrument affecting land presented for registration under that Ordinance, and shall note upon the copy in the proper column the reference to the volume and folio in which each such entry has been made and return the copy to the Settlement Officer ; and every such settlement shall, upon the publication of the order under section 8, be deemed to have been registered under the said Ordinance on the day on which the order was so published :

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Provided that it shall not be necessary for the Settlement Officer to comply with the provisions of this subsection in any case in which any settlement order or portion thereof relates to the settlement of any land or share of or interest in any land in favour of the Crown or of any unascertained person;

Provided also that for the purposes of this subsection it shall not be necessary to embody in any such order or in any schedule subjoined thereto any description of the boundaries of any land to which such order relates if such land is delineated in a plan purporting to be signed by the Surveyor-General or by some person acting on his behalf and is described in such order by reference to such plan, anything in section 13 of the Registration of Documents Ordinance, to the contrary notwithstanding.

(2) The particulars of every settlement to which the copy of any settlement order or of any portion thereof sent to the Registrar of Lands in accordance with subsection (1) relates shall be entered by the Registrar of Lands in a new folio to be allotted by him, and an instrument affecting the land so settled which is registered after the date on which such order or portion thereof was deemed to have been registered shall not be deemed to be duly registered unless it is registered in or in continuation of the new folio allotted as aforesaid.

(3) Notwithstanding anything in the Registration of Documents Ordinance, no fee shall be chargeable in respect of the registration of any settlement under this section.

Lands declared under section 5 (4) (c) to be communal chena reserves not to be otherwise used without the consent of the inhabitants of the village.

10. (1) No land which has been declared under the proviso to section 5 (4) (c) to be Crown property set apart for the purpose of a communal chena reserve shall at any future time be used for any other purpose except by the Crown and with the consent of two-thirds of the persons present at a meeting of the inhabitants of the village for the benefit of which it has been set apart summoned, after such notice as he shall deem sufficient, by the Government Agent in charge of the administrative district within which such land is situated:

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Provided that it shall be lawful for the Crown to grant or lease portions of any such land to any persons who permanently reside in the village for the benefit of which it has been set apart and who do not own or possess an extent of land sufficient in the opinion of the Government Agent as aforesaid for their own support and for that of their families.

(2) The Government Agent in charge of the administrative district within which is situated any such land to the use of which for a purpose other than that of a communal chena reserve consent has been given as provided in subsection (1) shall give notice of such consent in the Gazette, and no such consent shall be valid or of any effect in law unless a notice in respect thereof has been published in the Gazette as provided in this subsection.

(3) In this section the term " inhabitant " shall have the same meaning as it has in the Village Communities Ordinance.

Establishment, constitution, &c., of board for considering and deciding applications under section 6 (4).

11. (1) There shall be established a board to consider and decide applications made under section 6 (4). The board shall consist of the following members to be appointed by the Minister :[3]—

(*a*)[1] an officer selected from Class I of the Ceylon Civil Service ; and

(*b*) one advocate or one proctor of the Supreme Court of Ceylon of not less than ten years' standing.

(2) (*a*) It shall be lawful for the Minister[1] to make rules regulating or making provision for—

(i) the form and manner of proceeding to be observed by the board in considering applications as aforesaid ; and

(ii) any other matter which may be necessary for carrying out the provisions of this Ordinance in relation to the board.

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(*b*) All rules made under this subsection shall be laid, as soon as conveniently may be, on the table of the Senate and the House of Representatives[1] at two successive meetings of the Senate and the House of Representatives,[1] and shall be brought before the Senate and the House of Representatives[1] at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by the Senate or the House of Representatives,[1] such rules shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder; and such rules, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette.

(*c*) Subject to such rules the proceedings of the board shall be conducted without regard to matters of judicial form.

(3) (*a*) Stamp duty shall be chargeable in respect of petitions addressed to the board under section 6 (4) at the rates specified in the Second Schedule.

(*b*) Every claimant to land or to a share of land who makes an application to the board under section 6 (4) shall declare in his petition the aggregate extent of land or of the share of land in respect of which he considers that an offer should have been made to him under section 6 (1) in satisfaction of his claim; and stamp duty shall be chargeable in respect of such petition in accordance with the extent so declared.

(*c*) For the purposes of paragraph (*b*) of this subsection, the extent of a share of land shall be deemed to be the equivalent divided extent of land.

(*d*) It shall be lawful for the board, if it thinks proper to do so, to waive the stamp duty chargeable in respect of any petition or to accept, upon such terms and conditions as it thinks fit, any petition which has not been duly stamped or to order that the whole or any part of the stamp duty paid in respect of any petition be refunded.

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(4) In any case in which the members of the board are unable to agree with regard to the decision of any application as aforesaid, they shall apply to the Minister[3] to appoint a supernumerary member of the board to assist them in making such decision. Such supernumerary member shall be appointed from among the advocates and proctors of the Supreme Court of Ceylon of not less than ten years' standing for the purpose of considering and deciding such application and, if after the appointment of such supernumerary member the members of the board including the supernumerary member are unable to agree with regard to the decision of such application, the opinion of the majority shall prevail.

Reference to District Judge or Commissioner of Requests.

12. (1) If any claimant fails, within the period of one month prescribed by section 6 (7) or within such longer period as the Settlement Officer may allow under that subsection, to enter with the Settlement Officer into an agreement under section 5 (4) (*c*), the Settlement Officer shall, if he has not made a declaration under section 5 (4) (*a*) that the land in respect of which or in respect of a share of or interest in which the claim is made is not claimed by the Crown or a declaration under section 5 (7) that such land has ceased to be the subject of proceedings under this Ordinance, refer the claim or any portion thereof which is in dispute between himself and the claimant to the District Judge of the district within which the land is situated.

(2) Notwithstanding the provisions of subsection (1), whenever the Settlement Officer and the claimant agree that any claim or portion thereof which is in dispute shall be referred to the Commissioner of Requests of the division within which the land affected is situated, the Settlement Officer shall refer it accordingly, and thereupon the Commissioner of Requests may exercise and perform in respect of such reference all the powers and duties vested by sections 13, 14, 15, 18, 19, 20, 21, and 22 in the District Judge; and the expression "District Judge", wheresoever in subsection (1) of this section and in sections 13, 14, 15, 18,

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19, 20, 21, 22, 26, and 27 occurring, shall be deemed to include a Commissioner of Requests to whom any such reference has been made.

Reference of two or more claims and limitation at hearing of reference to matters referred.

13. (1) It shall be lawful for the Settlement Officer in referring any claim to a District Judge under section 12 to include any other claim in the reference :

Provided that the District Judge may, if he thinks that, in any case in which two or more claims have been included in one reference by the Settlement Officer, such claims cannot conveniently be dealt with together, at any time before the decision of such claims order that any one or more of them be dealt with separately.

(2) No matters other than those included in the reference shall be adjudicated upon at the hearing of the reference nor shall any issue be framed or decided as between the Crown and any party not mentioned in the reference.

Notice to claimant to furnish statement of claim.

14. (1) Upon a reference being made to him as aforesaid, the District Judge shall cause to be served on every claimant named in such reference a notice requiring him to furnish to such District Judge on or before a date to be specified in the notice a written statement setting out the nature and extent of his claim. Every such statement of claim shall name the Settlement Officer as the party defendant on behalf of the Crown.

(2) Any two or more claimants named in any reference may embody their claims in one statement of claim.

Procedure when no statement of claim furnished.

15. (1) If no statement of claim is furnished by the claimant in pursuance of the notice served upon him under section 14 (1), the District Judge shall cause to be affixed in some conspicuous place on the land specified in the reference a notice to the effect that, if the claimant does not, on or before a day to be specified in

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the notice, appear before the District Judge and state the particulars of his claim, he will be declared to have withdrawn his claim.

(2) If the claimant does not appear and state the particulars of his claim in pursuance of the notice, the District Judge shall declare that he has withdrawn his claim.

(3) A declaration by the District Judge under subsection (2) that any claimant has withdrawn his claim shall be equivalent to and be deemed to be a withdrawal of such claim by agreement entered into under section 5 (4) (*c*).

Parties may appear by advocate or proctor.

16. Subject to the provisions of section 19 (2), it shall be lawful for any party to any reference made under this Ordinance to appear by his advocate or proctor at any stage of the proceedings in respect of such reference.

Proceedings on reference to be regulated by Civil Procedure Code.

17. The proceedings in respect of references made under this Ordinance shall, except as in this Ordinance otherwise provided, be regulated by the provisions of the Civil Procedure Code, so far as the said provisions are applicable.

Reference cases to have precedence.

18. The District Judge shall give the proceedings in respect of references made under this Ordinance precedence of all other business, unless in his opinion special circumstances of urgency in any particular case otherwise require.

Procedure when statement of claim furnished.

19. (1) The District Judge shall, as soon as the statement of claim required by the notice served under section 14 (1) has been furnished, or as soon as the claimant has appeared in pursuance of the notice prescribed by section 15 (1) and stated the particulars of his claim, fix a day, of which notice shall be given to the parties, for their appearance and for the hearing of the reference ; and on the day so fixed the parties shall bring their witnesses into court together with any documents upon which they intend to rely.

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(2) It shall be lawful for the District Judge to require the personal attendance of any claimant at any stage of the proceedings.

Procedure on hearing.

20. On the day fixed for the hearing of the reference or on any day to which the hearing is adjourned the District Judge shall proceed to examine the witnesses tendered by the parties and, upon such examination and after inspecting the documents produced by the parties and making any further inquiry that may appear necessary, shall by order either dismiss the claim or declare that the claimant is entitled as against the Crown to the whole or to any part, as the case may be, of the land or of the share of or interest in the land in respect of which the claim has been made and shall make such order as to costs as he may think appropriate in the case.

The District Judge may order a fresh survey.

21. Whenever the District Judge is of opinion that a fresh survey is necessary for the purpose of hearing any reference made under this Ordinance, he may order such survey to be made.

Appeals.

22. (1) Any party to any reference who is dissatisfied with the decision of the District Judge thereon may appeal to the Supreme Court against such decision by lodging with the District Judge within thirty days from the date of the decision a petition of appeal addressed to the Supreme Court.

(2) The District Judge on receiving such petition of appeal shall transmit it, together with all the papers and the proceedings relating to the reference, to the Registrar of the Supreme Court, and such appeal shall have precedence of all other appeals.

(3) Stamp duty shall be charged upon every such petition of appeal at the rate specified in Part II of Schedule A to the Stamp Ordinance, for similar petitions in the District Court, and upon subsequent proceedings at the rates specified in the said Schedule for appeals from the District Court.

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(4) Every such appeal shall be dealt with in the manner in which appeals from the District Court are dealt with, and upon the determination thereof the Supreme Court shall by order either dismiss the claim or make any declaration which could have been made by the District Judge under section 20.

Equation of decrees of court with settlements.

23. Every order made under sections 20 or 22 shall be embodied in a decree which shall for the purposes of the settlement order to be made under section 5 (5), if and in so far as by such decree the claim of any claimant is dismissed, be equivalent to and be deemed to be an agreement for the withdrawal of such claim under section 5 (4) (*c*) and, if and in so far as by such decree any claimant is declared to be entitled as against the Crown to any land or to any share of or interest in any land, be equivalent to and be deemed to be a declaration by the Settlement Officer under section 5 (4) (*a*) or (*b*) that such land is not claimed by the Crown or that some person unascertained is entitled to such share of or interest in such land, as the case may be.

Claims before the District Judge within one year from publication of settlement order in respect of lands, &c., declared to be the property of the Crown.

24. (1) Notwithstanding anything in section 8, it shall be lawful for any person, within a period of twelve months from the date of the publication under that section of any settlement order embodying the settlement of any land or of any share of or interest in any land, in any case where such land, share or interest has been declared under section 5 to be the property of the Crown, to make by petition, to which the Settlement Officer shall be named as respondent, presented to the District Judge of the district within which such land is situated a claim to, or to compensation in respect of, such land or share or interest:

Provided that no such petition shall be entertained by any District Judge—

(*a*) if the person presenting it has previously entered into an agreement with the Settlement Officer under section 5 (4) (*c*) by which he has withdrawn his claim to such land or share or interest; or

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(*b*) if such person's claim to such land or share or interest has previously been dismissed by the District Judge under section 20 or by the Supreme Court under section 22 ; or

(*c*) if such person fails to show good and sufficient reason for not having made his claim before the Settlement Officer either within the period prescribed by section 4 (1) or, in any case in which it was within the said period brought to the knowledge of the Settlement Officer that some person who was absent from Ceylon had a claim to such land or share or interest, within the further period prescribed by the proviso to section 5 (1).

(2) The presentation of and the proceedings in relation to every such petition shall be subject to the provisions of Chapter XXIV of the Civil Procedure Code, relating to summary procedure by petition, and if after investigation of the claim the District Judge is of opinion that it has been established, wholly or in part, he shall—

(*a*) if the land to which or to a share of or interest in which such claim relates has been alienated or settled on a claimant under the provisions of this Ordinance by the Crown or has been utilized for any public purpose, make order that the claimant shall receive from the Crown by way of compensation a sum representing the fair market value, as assessed by the District Judge, of such land or share or interest or, in any case in which the District Judge is of opinion that the claim has been established only in part, such smaller sum as the District Judge considers to be proportionate to that part of the claim which has in his opinion been established ; or

(*b*) if the land to which or to a share of or interest in which such claim relates has not been alienated by the Crown and has not been utilized for any public purpose, make order that the Crown shall transfer to the plaintiff the whole or any part, as the case may be, of such land or share or interest.

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(3) Every order made under this section shall be expressed as an award, which shall be in full satisfaction of the claim and shall be a bar to any further claim against the Crown by any person whomsoever in respect of such land or share or interest.

Appointment of curator or manager for purposes of claim.

25. (1) Notwithstanding the provisions of any other written law, it shall be lawful for the Settlement Officer, if, after holding such inquiry as he considers necessary, he is satisfied that any claimant or any person on whose behalf a claim is made or any person who the Settlement Officer thinks has a claim under section 4 (4) is a minor or a person of unsound mind, to appoint a fit person as curator or manager of the estate of such minor or person of unsound mind, as the case may be, for the purpose of the investigation and settlement of the claim.

(2) The Settlement Officer shall, immediately upon making such appointment, send to the District Judge of the district within which the land to which or to a share of or interest in which the claim relates is situated a certificate in duplicate, which shall be signed and dated by him and shall specify—

(*a*) the particulars of the claim ;

(*b*) the name and address of the minor or person of unsound mind by or on behalf of whom the claim is made ;

(*c*) the name and address of the person appointed as curator or manager ;

(*d*) the date on which the appointment was made ; and

(*e*) the reason for making the appointment.

(3) The District Judge shall on receipt of the certificate by order sanction the appointment, or disallow it and appoint some other person ; and where the District Judge sanctions the appointment it shall be valid from the time at which it was made by the Settlement Officer.

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(4) It shall not be necessary for the District Judge, before he sanctions or disallows the appointment, to require the Settlement Officer, the curator or manager appointed by the Settlement Officer, the minor or the person of unsound mind, or any other person, to appear before him.

(5) The District Judge shall endorse his order upon both duplicates of the certificate and shall file one duplicate in his court and return the other duplicate to the Settlement Officer. The Settlement Officer shall file the duplicate so returned in the record of his proceedings in respect of the claim and the appointment shall be as valid and effectual for the purpose of the investigation and settlement of the claim as though the person appointed had been granted a certificate of curatorship to the estate of the minor, or had been appointed manager of the estate of the person of unsound mind, under Chapter XL or Chapter XXXIX of the Civil Procedure Code, as the case may be.

(6) No stamp duty shall be payable in respect of such appointment, anything in the Stamp Ordinance to the contrary notwithstanding.

Award of compensation by the Minister.

26. Nothing in this Ordinance shall be deemed to prevent the Minister,[1] if any claim is established to his[2] satisfaction and notwithstanding that the claimant has not made his claim within the time prescribed by this Ordinance, or has not made a statement of claim upon being noticed by the District Judge under section 14 or has not appeared and stated the particulars of his claim in pursuance of a notice affixed on or near any land under section 15, from awarding to the claimant such compensation in land or in money or in land and money as the Minister[1] may think proper.

Persons engaged in carrying out orders of Settlement Officer, &c., to be public servants.

27. Every person engaged in carrying out any order made by the Settlement Officer, the board, or any District Judge in pursuance of the powers or duties conferred or imposed by this Ordinance shall be deemed to be a public servant within the meaning of the Penal Code.

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Settlement Officer and board to have powers of commission under the Commissions of Inquiry Act.

28. For the purpose of holding or making any inquiry or inspection or of considering and deciding any application under this Ordinance, the Settlement Officer and the board shall have the powers conferred on a commission appointed under the provisions of the Commissions of Inquiry Act.

Verification of service of process.

29. Every return made by a Fiscal, Deputy Fiscal or Fiscal's marshal to process issued under section 5 (3) shall be duly verified by the oath or affirmation of the officer employed to execute the same, and for such purpose the Fiscal, Deputy Fiscal or Fiscal's marshal is hereby authorized to administer such oath or affirmation.

Proceedings under the Ordinance not invalidated by change of Settlement Officers.

30. Any proceedings instituted or taken under this Ordinance by any person as Settlement Officer may be continued by any other person as Settlement Officer.

Protection of Settlement Officer.

31. The Settlement Officer shall not be liable in damages by reason of anything in good faith done or omitted to be done in his official capacity.

Order in respect of proceedings under Waste Lands Ordinance pending at the date of commencement of this Ordinance to be made in form No. 2 in First Schedule.

32. (1) Any order made after the commencement of this Ordinance under section 2 or section 4 of Ordinance No. 1 of 1897* in respect of any proceeding under that Ordinance which is pending or incompleted when this Ordinance comes into operation may, notwithstanding the provisions of any written law other than this Ordinance, be made in form No. 2 in the First Schedule to this Ordinance (amended as may be necessary), and such order shall be valid and effectual for all purposes, notwithstanding the non-recital therein of any absence of claims, failure of any claimant to make a claim, failure of any claimant to appear or to produce any evidence or documents, withdrawal by any claimant of his claim, admission of the whole or any part of any claim or agreement.

(2) Every order made under this section shall have the same force as an order made in consequence of proceedings under this Ordinance.

* Repealed by Ordinance No. 20 of 1931.

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FIRST SCHEDULE

Form No. 1

LAND SETTLEMENT ORDINANCE

[Section 4 (5).]

Settlement Notice

Notice is hereby given, under section 4 of the Land Settlement Ordinance, that if no claim to (the land)* (any one of the lands)† specified in the schedule hereto or to any share of or interest in (the said land)* (such land)† is made to the undersigned within a period of three months from the ——— day of ———, 19—, (the said land)* (such land)† will be declared under section 5 (1) of the aforesaid Ordinance to be the property of the Crown and will be dealt with on account of the Crown.

Given at the Settlement Office, Colombo,
the Kachcheri, ———

this ——— day of ———, 19—. ———,

Settlement Officer.
Assistant Settlement Officer.
Government Agent of the
——— District.

* If the notice relates to only one land.
† If the notice relates to more lands than one.

Schedule

(*Here specifiy the land or lands in respect of which the notice is published.*)

———

Form No. 2

LAND SETTLEMENT ORDINANCE

[Sections 5 (5) and 32.]

Settlement Order

Whereas a settlement notice under section 4 of the Land Settlement Ordinance was duly published in the Gazette No. ——— of ———, 19—, and as otherwise required by the said section, in respect of the land (s) situated in ——— and described as lot (s) ——— in ——— Plan No. ———:

And whereas all claims received in pursuance of the said notice have been duly dealt with in accordance with the provisions of the said Ordinance:

[*Or*, And whereas no claims have been received in pursuance of the said notice:]

I, the undersigned, in pursuance of the powers conferred on me by section 5 (5) of the said Ordinance, do hereby make order that the said land (s) be settled as specified in the schedule to this order.

Given at the Settlement Office, Colombo,
the Kachcheri, ———

this ——— day of ———, 19—. ———,

Settlement Officer.
Assistant Settlement Officer.
Government Agent of the
——— District.

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Schedule

Lot No.	Sub-divisional Lot No.	Extent	No. of Title Plan	Subsection under which settled	On whom settled	Remarks (Shares, interests, encumbrances, Nos. of Reference Cases, &c.)	Land Register Office at which registered	Volume No.	Folio No.
1		A. R. P. 2 0 00	999,901	5 (4) (*c*)	A, of ——— B, of ——— C, of ———	Settled in undivided shares of one-third each			
2	2A	10 3 24	—	5 (1) and 5 (4) (*c*)	The Crown ..	Subject to a right of way from point X to point Y as shown in——— plan No.——in favour of the owner of land Z			
2	2B	2 2 02	—	5 (4) (*a*)	Not claimed by the Crown				
2	2C	25 2 27	—	5 (1) and 5 (4) (*b*)	The Crown ..	Subject to the right of some person unascertained to a one-fifth share : see judgment in D. C. ——— case No. ———			
3		7 3 31	999,902	5 (4) (*c*)	D	Subject to Mortgage Bond No. ——— of ——— attested by ———			
4		8 1 01	—	5 (4) (*c*)	The Crown ..	Communal chena reserve			
5		10 0 00	—	5 (1)	The Crown				

Appendix

I, the undersigned, hereby, in pursuance of the powers conferred on me by section 5 (7) of the Land Settlement Ordinance, declare that the land(s) described as lot(s) ——— in ——— Plan No. ——— has (have) ceased to be the subject of proceedings under the said Ordinance.

Given at the Settlement Office, Colombo,
the Kachcheri, ———
this ——— day of ———, 19—.

———,
Settlement Officer.
Assistant Settlement Officer.
Government Agent of the ——— District.

[Form No. 2—*contd*]

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Form No. 3

THE LAND SETTLEMENT ORDINANCE [Section 5 (6).]

Certificate

It is hereby certified that the Minister[1] has consented to the settlement(s) embodied in the above settlement order in so far as such settlement(s), (other than settlements, if any, made in pursuance of or by decree of court), relate(s) to any land or to any aggregate of lands exceeding ten acres in extent.

Dated at Colombo, this ———— day of ————, 19—.

————,
Land Commissioner.

Form No. 4

LAND SETTLEMENT ORDINANCE [Section 4 (3).]

Settlement Notice No. ———— calling for claims to lands in ————* in ————† Plan No. ———— in ————‡ of the ———— District has been published in Gazette No. ———— of ————.

For further information apply to the undersigned.

————,
Settlement Officer.
Assistant Settlement Officer.
Government Agent of the ———— District.

* Village or area. † Description of plan. ‡ Locality.

SECOND SCHEDULE

LAND SETTLEMENT ORDINANCE [Section 11 (3) (*a*).]

Rates of Stamp Duty chargeable in respect of Petitions

1. If the claim is to the full ownership of any land or share of a land and the aggregate extent of land or of the share of land which the claimant has declared to be the extent in

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respect of which he considers that an offer should have been made to him in satisfaction of his claim—

						Rs.	c.
Does not exceed 2 acres					..	1	0
Exceeds	2 acres, but does not exceed			5 acres	..	1	50
Exceeds	5	do.		10 acres	..	3	50
Exceeds	10	do.		20 acres	..	6	0
Exceeds	20	do.		40 acres	..	12	0
Exceeds	40	do.		60 acres	..	25	0
Exceeds	60	do.		80 acres	..	50	0
Exceeds	80	do.		100 acres	..	75	0
Exceeds	100 acres	..	..		..	100	0
2. If the claim is to an interest					..	5	0

[Section 6 (2) (*a*).]

THIRD SCHEDULE

Omitted. Rules have been made under section 6(2) (*a*).—Gazette No. 8,130 of 21st June, 1935, and Gazette No. 8,134 of 19th July, 1935.

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CHAPTER 464

LAND DEVELOPMENT

AN ORDINANCE TO PROVIDE FOR THE SYSTEMATIC DEVELOPMENT AND ALIENATION OF CROWN LAND IN CEYLON.

Ordinances Nos. 19 of 1935, 3 of 1946, *Acts* Nos. 49 of 1953, 22 of 1955.

[*15th October, 1935.*]

Short title.

1. This Ordinance may be cited as the Land Development Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"alienation" with its grammatical variations and cognate expressions means the alienation of Crown land under this Ordinance ;

"Ceylonese" means a person of either sex domiciled in Ceylon and possessing a Ceylon domicile of origin ;

"condition of ownership" means a condition contained in a grant at the time it is issued ;

"court" means any Court of Justice constituted under the Courts Ordinance, and includes a Rural Court ;

"Crown land" means all land to which the Crown is lawfully entitled together with all rights, interests and privileges attached or appertaining thereto ;

"disposition" with its grammatical variations and cognate expressions means any transaction of whatever nature affecting land or the title thereto and includes any conveyance, devise, donation, exchange, lease, mortgage or transfer of land ;

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"divisional revenue officer" has the same meaning as in the Village Communities Ordinance ;

"Government Agent" includes an Assistant Government Agent ;

"grant" means a grant of land from the Crown under this Ordinance ;

"holding" means land alienated by grant under this Ordinance, and includes any part thereof or interest therein ;

"kachcheri" means the office of a Government Agent ;

"land" includes—

(*a*) the bed of any waterway or of any collection of water, whether natural or artificial,

(*b*) things attached to the earth or permanently fastened to anything attached to the earth, and

(*c*) any title to land or any interest in the crops growing or to be grown thereon ;

"Land Commissioner" means the officer appointed [8] under section 3 of this Ordinance, and includes any officer of his department authorized by him in writing in respect of any particular matter or provision of this Ordinance ;

"Land Kachcheri" means a meeting held in the prescribed manner for the purpose of alienating Crown land ;

"land officer" means an officer appointed under section 6 for the purposes of this Ordinance and the expression "the land officer" means the officer dealing with the particular land which is referred to in the context in which such expression is used ;

"local authority" includes a Municipality, an Urban Council established under the Urban Councils Ordinance, a Town Council, and a Village Committee ;

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"mapping-out" with its grammatical variations and cognate expressions means the reservation of Crown land for one or more of the purposes specified in section 8 or for any purpose prescribed under that section ;

"middle-class Ceylonese" does not include a Ceylonese who is not qualified to be deemed a "middle-class Ceylonese" under the provisions of section 171 ;

"minimum fraction" means the smallest fraction of a holding which can lawfully be held in undivided ownership ;

"owner" means the owner of a holding whose title thereto is derived from or under a grant issued under this Ordinance ;

"peace officer" means a police officer and includes any headman appointed by the Government Agent in writing to perform police duties ;

"permit" means a permit for the occupation of Crown land issued under Chapter IV ;

"permit-holder" means any person to whom a permit has been issued ;

"prescribed" means prescribed by this Ordinance or by the regulations made thereunder ;

"protected holding" means a holding alienated by grant in which is inserted a condition prohibiting the disposition of the holding except with the prior permission in writing of the Government Agent ;

"regulation" means a regulation made under this Ordinance by the Minister ;[1]

"scheme" means the scheme referred to in section 9 ;

"surveyed" means surveyed by the Surveyor-General or under his authority ;

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"Surveyor-General" means the Surveyor-General of Ceylon or any other officer deputed to act on his behalf for the purposes of this Ordinance to the extent to which such officer is deputed ;

"title" means right, title, or interest ;

"unit of subdivision" means the minimum extent of land below which a holding cannot lawfully be subdivided ;

"unprotected holding" means a holding other than a protected holding.

CHAPTER I

Appointment, Powers And Duties Of Officers

Appointment and duties of Land Commissioner.

3. (1) There may be appointed[3] a Land Commissioner who shall be responsible—

(*a*) for the due performance of the duties and functions assigned to him as Land Commissioner under this Ordinance ;

(*b*) for the general supervision and control of all Government Agents and land officers in the administration of Crown land and in the exercise and discharge of the powers and duties conferred and imposed upon them by this Ordinance.

(2) In the exercise of his powers and in the discharge of his duties under this Ordinance, the Land Commissioner shall be subject to the general direction and control of the Minister.[1]

Powers of Land Commissioner.

4. (1) The Land Commissioner may from time to time give general or special directions to a Government Agent or to a land officer as to the performance of his duties relating to land administration and may direct or authorize any question of doubt or difficulty in connexion with such duties to be referred to the Land Commissioner for decision.

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(2) Any direction or decision of the Land Commissioner shall be observed and given effect to by the Government Agent or by the land officer as the case may be.

Appointment of Assistant Land Commissioners and other officers.

5. There may be appointed [3] one or more Assistant Land Commissioners and such other officers as may from time to time be required for the purposes of this Ordinance.

Land officers.

6. (1) There may be appointed [3] one or more land officers for the whole of Ceylon or for any province or district.

(2) Every such land officer may, for the purposes of this Ordinance, perform, execute and exercise in any province or district or in the particular province or district for which he shall have been appointed, all or any of the functions, duties and powers assigned to or imposed upon or vested in a Government Agent under this Ordinance.

(3) Every person appointed [3] as a Settlement Officer or as an Assistant Settlement Officer under the Land Settlement Ordinance, shall be deemed to be appointed a land officer for the whole of Ceylon for the purposes of this Ordinance.

All officers to be public servants.

7. All officers appointed for the purposes of this Ordinance shall be deemed to be public servants within the meaning of the Penal Code.

CHAPTER II

Mapping-out Of Crown Land

Purposes for which Crown land may be mapped out.

8. Subject to the general or special directions of the Land Commissioner, Crown land may be mapped out by the Government Agent for any one or more of the following purposes :—

(*a*) village expansion ;

(*b*) village forest ;

(*c*) village pasture ;

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(*d*) chena cultivation ;

(*e*) village purposes not herein specified ;

(*f*) colonization ;

(*g*) protection of the sources or courses of streams ;

(*h*) prevention of the erosion of the soil ;

(*i*) forest reserves ;

(*j*) Government purposes, including Government buildings, roads or works ;

(*k*) preservation of objects of archæological or historical interest ;

(*l*) the requirements of local authorities ;

(*m*) the development of towns ;

(*n*) alienation to middle-class Ceylonese ;

(*o*) alienation to any persons whomsoever irrespective of the class or race to which they belong ;

(*p*) any other purpose that may be prescribed.

Scheme and diagram to be prepared by Government Agent.

9. When Crown land has been mapped out in accordance with the provisions of section 8, the Government Agent shall cause to be prepared—

(*a*) a scheme specifying the mapped-out areas and the purposes for which the lands in such areas have been respectively reserved ;

(*b*) a diagram depicting the mapped-out areas specified in the scheme.

Local Land Advisory Committees.

10. (1) The Minister[1] may, by Notification published in the Gazette, establish a Local Land Advisory Committee for any administrative district of Ceylon or for any smaller area the limits of which shall be specified in the Notification by which the Local Land Advisory Committee for that area is established.

(2) It shall be the duty of a Local Land Advisory Committee to examine every scheme and diagram prepared under section 9 which affects land in the district or area for which that committee is established and to make recommendations thereon to the Government Agent.

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(3) Every Local Land Advisory Committee shall consist of five members all of whom shall be appointed by the Minister.[1] No person who is permanently or temporarily employed in the service of Government shall be a member of a Local Land Advisory Committee.

(4) The Government Agent having jurisdiction over the district or area for which any Local Land Advisory Committee has been established under subsection (1) shall convene the meetings of that committee and shall preside at such meetings.

(5) Three members of a Local Land Advisory Committee shall form a quorum thereof and any matter or question before a committee shall be decided by a majority of the votes of the members present and voting at the meeting at which such matter or question is discussed. In the event of an equality of votes, the Government Agent shall have a casting vote ; but he shall not have an original vote on any matter or question before the committee.

(6) The decisions of the Local Land Advisory Committee shall be recorded by the Government Agent or under his direction.

(7) Regulations may be made prescribing the manner in which the meetings of a Local Land Advisory Committee shall be convened and the procedure to be followed at meetings of such a committee ; but each Local Land Advisory Committee shall determine its own procedure in any matter for which no provision is made by such regulations or in this Ordinance.

Notice that scheme and diagram are open to inspection.

11. (1) When the scheme and diagram referred to in section 9 have been prepared, the Government Agent shall exhibit in a conspicuous position in the kachcheri a notice to the effect that the scheme and diagram are open to inspection. The notice shall be dated as of the date on which it is exhibited.

(2) Any person interested shall be entitled to inspect the scheme and diagram at the kachcheri during office hours for a period of thirty days reckoned from the date of the notice exhibited under subsection (1) and shall be entitled to make representations to the Government Agent on that scheme or diagram.

M 61—J. N. R 7598 (4/60)

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(3) The Government Agent shall not be bound to consider any representations which have not been received in writing at the kachcheri within a period of thirty days reckoned from the date of the notice exhibited under subsection (1).

Scheme and diagram to be laid before Local Land Advisory Committee.

12. (1) Every scheme and every diagram prepared under section 9 shall be laid by the Government Agent before the Local Land Advisory Committee at a meeting of that committee which shall be convened by him for the purpose :

Provided that at any meeting convened under subsection (1) for the purpose of examining any scheme and diagram, it shall be lawful for the Government Agent to lay before the Local Land Advisory Committee any other scheme and diagram provided that notice in writing was given to the members of that committee not less than seven clear days before the date of the meeting of the proposal to add the examination of such other scheme and diagram to the agenda of that meeting ;

Provided further that nothing in this section contained shall preclude any Local Land Advisory Committee from examining any scheme and diagram at any meeting if all the members of the committee are present at that meeting and unanimously agree to examine that scheme and diagram.

(2) A meeting of the Local Land Advisory Committee convened under subsection (1) may be adjourned once or oftener to a date to be fixed by the Government Agent.

(3) If at the first meeting of a Local Land Advisory Committee convened by the Government Agent under subsection (1) no quorum is present, the Government Agent may proceed as though no recommendations had been made on the scheme and diagram by that committee.

(4) If a quorum of the Local Land Advisory Committee is not present on any date to which a meeting convened under subsection (1) shall have been adjourned under subsection (2) the Government

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Agent shall not be bound to consider any recommendations of that committee other than those, if any, which were made by that committee before that date.

Scheme and diagram to be forwarded to Land Commissioner.

13. After considering the representations received under section 11 and the recommendations made by the Local Land Advisory Committee under section 12, the Government Agent may modify the scheme and diagram prepared under section 9 ; and such scheme and diagram or the modified scheme and diagram, as the case may be, shall thereupon be forwarded by the Government Agent to the Land Commissioner together with all representations or recommendations so received or made. The Government Agent shall also forward to the Land Commissioner all recommendations of the Local Land Advisory Committee which he may have considered notwithstanding the fact that he was not bound to consider them under the provisions of section 12.

Power of Land Commissioner to confirm scheme or issue further instructions.

14. Upon receipt of a scheme and diagram forwarded to him under section 13, the Land Commissioner may confirm such scheme and diagram or may issue to the Government Agent such further directions or instructions in regard to the mapping-out or to the scheme or to the diagram as he may consider requisite ; and the Government Agent shall observe and give effect to such directions or instructions.

Notification of confirmation.

15. Notice of the fact that the Land Commissioner has confirmed any scheme forwarded to him under section 13 shall be published in such manner as may be prescribed.

Right of public to inspect diagram.

16. Upon publication of a notice under section 15, every member of the public shall be entitled to inspect free of charge at the district kachcheri or at the office of the Surveyor-General the diagram depicting the scheme of mapping-out referred to in such notice.

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No modification of scheme to be made except with the approval of the Minister in certain cases and of the Land Commissioner in others.

17. No scheme which has been confirmed by the Land Commissioner shall, except with the approval and consent of the Minister,[1] be varied or modified so as to enable—

(1) land which has been mapped-out for any purpose mentioned in paragraphs (*a*) to (*f*) of section 8 to be mapped-out or to be utilized for any purpose mentioned in paragraphs (*n*) or (*o*) of that section ;

(2) land mapped-out for the purpose mentioned in paragraph (*n*) of section 8 to be mapped-out or to be utilized for the purpose mentioned in paragraph (*o*) of that section :

Provided, however, that any modification or variation of a scheme not requiring the approval and consent of the Minister[1] may be effected on the written authority of the Land Commissioner.

Mapping-out not essential before alienation.

18. Crown land may be alienated whether it has been mapped-out or not.

Unmapped-out land deemed to be mapped-out upon alienation.

19. Unmapped-out land, which has been alienated, shall be deemed to have been mapped-out for alienation to persons of the class to which the alienee belongs.

CHAPTER III

Alienation Of Crown Land

Land not to be alienated by grant except at a Land Kachcheri.

20. No land shall be alienated by grant except at a Land Kachcheri.

Notification of Land Kachcheri.

21. The notification that a Land Kachcheri will be held shall be substantially in the prescribed form and shall be published in such manner as may be prescribed.

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Applications for land ; when and how received and considered.

22. (1) The Government Agent may in a notification under section 21 fix a date before which application shall be made to him for the land proposed to be alienated at the Land Kachcheri appointed to be held by such notification.

(2) Where a date has been so fixed in such notification, the Government Agent may, in his discretion, refuse at the Land Kachcheri to accept or to consider any application for land received after such date.

(3) Where no date has been so fixed, the Government Agent shall be bound to consider all applications received, whether at the Land Kachcheri or before the date fixed for the holding of such Land Kachcheri :

Provided that it shall be lawful for the Government Agent, in a case where no date has been so fixed in terms of subsection (1), to receive or to call for applications before the date fixed for the holding of the Land Kachcheri.

Powers of Government Agent at Land Kachcheri.

23. (1) At a Land Kachcheri the Government Agent may in his discretion—

(*a*) select any applicant to receive a permit or a grant of Crown land either immediately, or on, or before, a future date ;

(*b*) postpone consideration of any application ;

(*c*) reject any application.

(2) In making any selection under subsection (1), the Government Agent shall have special regard to applications received from persons resident in the neighbourhood of the land proposed to be alienated at the Land Kachcheri.

Appeal to Land Commissioner.

(3) An appeal in the manner prescribed shall lie to the Land Commissioner against any decision made by a Government Agent under subsection (1) in respect of any matter in which he has exercised the discretion vested in him by that subsection :

Provided that it shall be lawful for the Land Commissioner to vary any such decision of the Government Agent by way of revision if in the opinion of the Land Commissioner the justice of the case so requires.

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Date of selection is material date for determination of qualification of alienee.

24. (1) The date on which a person is selected to receive a permit or a grant of Crown land shall be the material date for the purpose of ascertaining whether such person is duly qualified to receive such permit or grant.

(2) Where land alienated to a person on a permit is subsequently alienated to the same person on a grant, the material date for the purpose of ascertaining whether such person is duly qualified to receive such land on a grant shall be the date on which such person was selected by the Government Agent to receive the same land upon a permit.

CHAPTER IV

Permits And Grants

Form of permit.

25. Every permit shall be substantially in a prescribed form.

Permit to be personal to permit-holder.

26. A permit shall for all purposes be and be construed as personal to the permit-holder and upon his death no title whatsoever to the land held under such permit shall pass or accrue to his heirs or to any person other than a successor duly nominated by such permit-holder in the manner hereinafter provided.

Form of grant.

27. Every grant shall be substantially in a prescribed form.

Grant not to issue for unsurveyed land.

28. Land which has not been surveyed shall not be alienated by grant.

Registration of grants.

29. (1) Every grant, when issued, shall be registered at the instance of the Government Agent in such manner as may be prescribed.

(2) No fees shall be paid or recovered for such registration.

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Diagram to be attached to grant.

30. The land alienated on any grant shall be described with reference to a plan prepared by or under the authority of the Surveyor-General and kept in his charge. There shall be attached to each grant a diagram of the land alienated on that grant. The diagram shall be prepared under the authority of the Surveyor-General but it shall not be necessary for the diagram to bear on the face thereof a certificate to the effect that it was so prepared.

Copy of plan to be supplied on payment of prescribed fee.

31. The Surveyor-General shall cause to be issued to any applicant a copy of any plan or of any part thereof on payment of the prescribed fee.

Essential conditions of grant.

32. Every grant shall contain the conditions specified in the First Schedule.

Optional conditions of grant.

33. Every grant may, in addition, contain any one or more of the conditions specified in the Second Schedule.

Conditions of grant may be amended by regulation.

34. Any one or more of the conditions specified in the First or Second Schedules may be amended and further conditions may be added to either Schedule by regulations made under this Ordinance :

Provided that the conditions contained in any grant shall not be varied or affected by any amendment of or addition to the conditions specified in the First and Second Schedules made on a date subsequent to that of the grant.

Land Commissioner may authorize insertion of special conditions in grants.

35. The Land Commissioner may authorize the Government Agent to include in a grant special conditions applicable to individual cases or to classes of cases in particular areas.

Condition imposing obligation of residence not infringed by temporary absence of owner.

36. Any condition included in a grant which imposes an obligation of residence on the owner shall not be deemed to have been infringed by reason only of the temporary absence from his holding of an owner who has established permanent residence therein.

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Conditions in a grant to run with the land.

37. The conditions included in any grant shall, as from the date of such grant, run with the land and shall bind the original and all owners thereof and all persons whomsoever who acquire any title thereto.

Principle governing the determination of amount of annual payment.

38. The amount to be paid annually to the Crown in respect of any land alienated under a grant or a permit shall be fixed in such grant or permit with reference to the value of the land on the date of such alienation.

CHAPTER V

Protection Of Land Held On Permits Or Grants

Immunity of land alienated on permits and of protected holdings.

39. No land alienated on a permit or as a protected holding shall be seized or sold in execution of the decree of any court.

Seizure or sale in execution of land alienated on permit or as protected holding invalid.

40. The seizure or sale of any land alienated on a permit or as a protected holding shall be invalid.

Scope of protection.

41. The provisions of sections 39 and 40 shall apply to land alienated by grant as a protected holding notwithstanding the devolution or disposition under this Ordinance of the title of the original grantee to any other person.

CHAPTER VI

Dispositions

Disposition of protected holding requires consent of Government Agent.

42. No disposition of a protected holding shall be effected except with the prior written consent of the Government Agent.

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43. No protected holding shall be leased or mortgaged. Protected holdings not to be leased or mortgaged.

44. Any disposition of a protected holding executed without the prior written consent of the Government Agent and any disposition purporting to operate as a lease or mortgage of such a holding shall be invalid. What dispositions are invalid.

45. The decision of a Government Agent refusing consent to the execution of any disposition of a protected holding shall be subject to an appeal to the Minister [1] in such manner as may be prescribed. Appeal to Minister where Government Agent refuses consent to disposition.

46. No permit-holder shall execute or effect any disposition of the land held under his permit. Permit-holder not entitled to execute disposition.

47. Any disposition of land held under a permit shall be invalid. Disposition of land held under a permit is invalid.

CHAPTER VII

Succession

48. In this Chapter— Definitions of life-holder and successor.

"life-holder" when used with reference to a holding means the person who, subject to the restrictions imposed by section 50, is entitled under this Chapter to succeed to a holding upon the death of the owner thereof;

"successor" when used with reference to a holding means a person who is entitled under this Chapter to succeed to a holding upon the death of the owner thereof or if that owner has nominated a life-holder, upon the death of that life-holder or upon the failure of that life-holder to succeed to the holding, as the case may be;

"successor" when used with reference to land alienated on a permit means the person entitled under this Chapter to obtain a permit for that land upon the death of the permit-holder who nominated that person as his successor.

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Nomination of successor.

49. The owner of a holding may nominate a successor who shall be entitled to succeed to the holding upon the death of that owner, or upon the death of the life-holder if one has been nominated by that owner, or upon the failure of that life-holder to succeed to that holding.

Nomination of life-holder.

50. (1) The owner of a holding may nominate a life-holder, who shall be entitled to succeed to the holding upon the death of that owner, subject to the following restrictions :—

(*a*) such life-holder shall have no power to dispose of a holding ;

(*b*) such life-holder shall have no power to nominate a successor or another life-holder.

(2) Any disposition or nomination made by a life-holder in contravention of the provisions of subsection (1) shall be invalid.

Restriction on nomination.

51. Except with the prior written consent of the Government Agent, no person shall be nominated by the owner of a protected holding either as successor to or as the life-holder of such holding unless that person is the spouse of that owner or belongs to one of the groups of relatives enumerated in rule 1 of the Third Schedule.

General principles applicable to nomination.

52. (1) More persons than one may be nominated by the owner as successors to a holding, provided that such nomination does not contravene the conditions of ownership of that holding.

(2) The owner of a holding shall not on any occasion nominate more than one person as the life-holder of that holding.

(3) No person shall be nominated as the life-holder of a part or share of a holding, whether divided or undivided.

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(4) No person shall be nominated as successor to a part or share of a holding whether divided or undivided, unless in the document whereby he is so nominated a successor is duly nominated for the remaining part or share of that holding.

(5) The owner of a holding may nominate a life-holder only without nominating a successor or may nominate a life-holder together with one or more successors.

(6) The nomination of a successor or of a life-holder and the cancellation of any such nomination shall not be made subject to any condition or defeasance.

Cancellation of nominations.

53. Any nomination of a successor or of a life-holder may at any time be cancelled by the owner who made such nomination.

Further nomination in lieu of cancelled nominations.

54. The owner of a holding may make a further nomination in lieu of any nomination which has been duly cancelled ; and a person may be renominated as successor or as life-holder notwithstanding the previous cancellation of the nomination of that person in either such capacity.

Act of nomination is not a disposition.

55. The act or transaction whereby a successor or a life-holder is lawfully nominated under the provisions of this Chapter shall not be or be construed as a disposition of the land for which such successor or life-holder is so nominated.

How nomination is effected.

56. (1) The nomination of a successor or of a life-holder and the cancellation of any such nomination shall be effected by a document substantially in the prescribed form executed and witnessed in duplicate before a Government Agent, or a Registrar of Lands, or a divisional revenue officer, or a notary, or a Justice of the Peace.

(2) The provisions of subsection (1) shall not apply to any nomination or cancellation of the nomination of a successor or of a life-holder made by last will in the manner hereinafter provided.

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(3) A document by which the nomination of a successor or of a life-holder or the cancellation of any such nomination is effected under subsection (1) shall not be deemed to be an instrument affecting land for the purposes of the Registration of Documents Ordinance, nor shall the provisions of Chapter II of that Ordinance apply to any person before whom any such document is executed.

No stamp duty for nominations or cancellation of nominations.

57. No stamp duty shall be charged or levied on the execution of a document whereby a successor or a life-holder is nominated or whereby any such nomination is cancelled.

Documents of nomination or cancellation invalid unless registered.

58. (1) A document (other than a last will) whereby the nomination of a successor or of a life-holder is effected or cancelled shall not be valid unless and until it has been registered by the Registrar of Lands of the district in which the holding to which that document refers is situated.

(2) Regulations may be made prescribing the procedure for the registration of documents whereby nominations of successors or of life-holders are effected or cancelled and for all matters connected therewith or incidental thereto, including the registers which shall be kept and the fees which shall be charged for such registration.

Right of public to inspect registers.

59. Any person shall on payment of the prescribed fee be entitled to inspect at the office of the Registrar of Lands any register kept by him under this Ordinance for the purposes of section 58.

Nomination or cancellation of nomination invalid unless registered before death of owner.

60. No nomination or cancellation of the nomination of a successor or of a life-holder shall be valid unless the document (other than a last will) effecting such nomination or cancellation is duly registered before the date of the death of the owner of the holding in respect of which such nomination or cancellation was made.

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Nomination cancelled by death of nominee.

61. The death during the lifetime of the owner of a holding of a person who has been nominated by that owner as a successor or life-holder of that holding shall operate as a cancellation of the nomination of that person as a successor or life-holder, as the case may be.

No document of nomination to be registered until after cancellation of previous nomination.

62. (1) After the registration of a document whereby a person is nominated as successor to a holding, a document which purports to nominate any other person as successor to that holding shall not be registered unless the nomination effected by the registered document has been duly cancelled by the registration of a document of cancellation :

Provided that it shall be lawful in one and the same document to cancel a registered nomination and to make some other nomination in lieu thereof ; and, in that event, notwithstanding anything in this section contained, the document in which such cancellation and nomination are combined may be registered and shall upon due registration operate both as a cancellation of a previously registered nomination and as a nomination of a new nominee.

(2) The provisions of subsection (1) shall apply equally in the case of a life-holder and for that purpose the subsection shall be construed as though the word "life-holder" were substituted for the word "successor" wherever that word occurs in that subsection.

(3) Nothing in this section contained shall apply to any nomination or cancellation of a nomination made in the last will of the owner of a holding.

Nomination and cancellation may be made in last will of owner.

63. The nomination of a person as successor to or as life-holder of a holding, or the cancellation of any nomination effected by any document duly registered under this Chapter, or both such nomination and cancellation may be made in the last will of the owner of that holding.

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Registration essential to validity of nomination or cancellation made in last will.

64. A nomination or a cancellation of a nomination made in the last will of the owner of a holding shall not be valid unless it is registered in the prescribed manner within a period of three months reckoned from the date of the death of the owner of that holding.

Probate essential to validity of nomination or cancellation made in last will.

65. (1) A nomination or a cancellation of a nomination made in the last will of the owner of a holding shall not be registered unless the applicant for registration shall furnish to the registering officer a certified copy of that will together with a certificate in the prescribed form to the effect that probate of that will has been applied for, signed by the secretary of the District Court to which the application for probate was made.

(2) A nomination or a cancellation of a nomination made in the last will of the owner of a holding shall be invalid if probate of that will is refused or recalled or set aside by order of a court of competent jurisdiction ; and, in that event, the title to the holding shall devolve as though no nomination or cancellation of a nomination had been registered after the death of the owner thereof.

Conditions applicable to cancellation of registered nomination by last will.

66. A nomination effected by a document duly registered before the death of the owner of a holding and in force at the time of his death shall not be cancelled by the last will of that owner unless—

(*a*) the last will was executed on a date later than the date of the execution of the registered document by which nomination was effected before the death of the owner ; and

(*b*) the last will specifically refers to the nomination effected by that registered document and definitely cancels such nomination.

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General principles governing nominations and cancellations by last will.

67. Save as is otherwise specially provided those provisions of this Chapter which apply to nominations or cancellations of nomination effected by documents other than a last will shall apply equally to nominations or cancellations of nomination made in a last will.

Failure of succession.

68. (1) A nominated life-holder fails to succeed if he refuses to succeed or does not enter into possession of the holding within a period of six months reckoned from the date of the death of the owner of that holding.

(2) A nominated successor fails to succeed if he refuses to succeed or if he does not enter into possession of the holding within a period of six months reckoned—

(*a*) if no life-holder has been nominated, from the date of the death of the owner of the holding ; or

(*b*) if a life-holder has been nominated, from the date of the death of that life-holder, or from the date on which that life-holder fails to succeed, as the case may be.

Succession of life-holder.

69. Upon the death of the owner of a holding the life-holder, if any, shall succeed to the holding.

Succession of successor.

70. If no life-holder has been nominated or if the nominated life-holder fails to succeed, the successor, if any, shall succeed to the holding.

Succession under Third Schedule.

71. If no successor has been nominated or if the nominated successor fails to succeed, the title to the holding shall devolve as prescribed by the rules in the Third Schedule.

Succession upon death of life-holder.

72. (1) Upon the death of the life-holder of a holding the nominated successor, if any, shall succeed to the holding.

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(2) If no successor has been nominated or if the nominated successor fails to succeed, the title to the holding shall devolve as prescribed by the rules in the Third Schedule.

Date of succession.

73. (1) Title to the holding shall be deemed to have devolved on any person succeeding under the provisions of sections 69, 70, and 71 as from the date of the death of the owner to whose title such person so succeeds.

(2) Title to a holding shall be deemed to have devolved on any person succeeding under the provisions of section 72 as from the date of the death of the life-holder of the holding to which such person so succeeds.

Accrual of rights in case of plurality of successors.

74. Where two or more persons have been duly nominated as successors of a holding, the title of any one of such successors who is dead on the date on which such successor is entitled to succeed, or who refuses so to succeed, or who fails so to succeed within a period of six months reckoned from such date, shall, as from such date, be deemed to have accrued to the other successors who were duly nominated with him.

Nomination or cancellation of nomination is invalid if contrary to provisions of Ordinance.

75. Any nomination of a successor or of a life-holder and any cancellation of any registered nomination of either shall be wholly invalid if such nomination or cancellation in any way contravenes the provisions of this Ordinance.

Curators.

76. (1) If the Government Agent is satisfied after such inquiry as he may deem necessary that title to a holding has devolved on a minor, he may, notwithstanding anything in any other written law, appoint a fit and proper person to be the curator of that minor for the purpose of enabling the minor to exercise his right and to be responsible for his obligations in respect of that holding under this Ordinance.

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(2) No stamp duty shall be payable on the instrument by which a curator is appointed under subsection (1).

(3) A curator appointed under subsection (1) shall be responsible for the performance of all duties and for the discharge of all obligations imposed on the minor as owner of the holding and may be removed from office by the Government Agent if he is satisfied after inquiry that such curator has failed to perform his obligations or has been guilty of neglect of duty or of action or conduct adverse or prejudicial to the interests of the minor, or that the curator is unfit to continue to hold office or for any other sufficient cause.

A curator aggrieved by an order of the Government Agent removing him from office may appeal against that order to the Minister [1] in such manner as may be prescribed.

(4) A person appointed under subsection (1) as the curator of a minor shall cease to hold office upon the appointment by any court of competent jurisdiction of any other person as curator of that minor.

(5) Subject to the provisions of this section, a curator appointed under subsection (1) shall, in respect of the holding of the minor whose curator he is and in respect of the management, control, occupation and protection of that holding, have and exercise all the rights and be subject to all the liabilities of a curator appointed by a court of competent jurisdiction.

Permit-holder may nominate spouse or relative as his successor.

77. A permit-holder may nominate as his successor his spouse or any relative of his out of the group of relatives mentioned in rule 1 of the Third Schedule.

Nomination of successor who is not spouse or relative.

78. A permit-holder shall not nominate as his successor any person not included in the group of relatives mentioned in rule 1 of the Third Schedule, unless the nomination of that person as successor is approved by the Government Agent:

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Provided that the approval of the Government Agent shall not be necessary for the nomination of the spouse of the permit-holder.

Appeal to Minister against refusal of Government Agent to approve nomination.

79. A permit-holder may appeal to the Minister [1] in such manner and subject to such conditions as may be prescribed against a refusal of the Government Agent to approve the nomination of the person selected by that permit-holder as his successor.

Name of successor to be endorsed on permit.

80. The name of the person who has been duly nominated by a permit-holder as his successor shall be endorsed on the permit of that permit-holder and such endorsement shall be signed and dated by the Government Agent.

Not more than one person to be nominated.

81. Not more than one person may be nominated as successor to land held under a permit and such nomination shall not be subject to any condition or defeasance.

Cancellation of permit-holder's nomination.

82. The Government Agent shall, at the request of a permit-holder, cancel any nomination of a successor made by that permit-holder. Such cancellation shall be endorsed upon the permit and shall be signed and dated by the Government Agent.

Further nomination permitted upon cancellation of a nomination by permit-holder.

83. (1) A permit-holder may nominate a successor in place of any successor whose nomination has been cancelled ; and those provisions of this Chapter which relate to the nomination of a successor by a permit-holder shall apply accordingly in the case of any such further nomination.

(2) The successor of a permit-holder whose nomination has been cancelled may be nominated again as the successor of that permit-holder.

Rights of nominated successor on death of permit-holder.

84. Upon the death of a permit-holder the duly nominated successor of that permit-holder shall be entitled, on application made to the Government Agent, to receive a permit for the land which was alienated to the deceased permit-holder.

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Land reverts to Crown unless successor nominated by permit-holder applies for permit within specified time.

85. A successor duly nominated by a permit-holder, who fails to make application for a permit within a period of one year reckoned from the date of the death of that permit-holder, shall be deemed to have surrendered to the Crown his title as successor to the land.

Vesting of surrendered land.

86. Land deemed to have been surrendered under section 85 shall vest in the Crown free from all encumbrances.

Name of successor nominated by permit-holder may be endorsed on permit before issue.

87. It shall be lawful for a person to whom the Government Agent has agreed to alienate land upon a permit to nominate his successor and the name of the successor may be endorsed on the permit before it is issued to that person and the provisions of sections 77, 78, 81, 82, 83, 84 and 85 shall apply accordingly to any successor nominated or to be nominated under this section.

CHAPTER VIII

Cancellation Of Grants And Permits

Notice to owner of holding where there has been a breach of a condition of ownership.

88. If it appears to the Government Agent that the owner of a holding has failed to observe a condition of ownership, the Government Agent may issue a notice in the prescribed form intimating to such owner that a recommendation will be made to the Governor-General[3] for the cancellation of the grant of such holding unless sufficient cause to the contrary is shown to the Government Agent on a date and at a time and place specified in such notice.

Period allowed for showing cause.

89. The date specified in a notice issued under section 88 shall not be less than thirty days from the date of the issue of such notice on the owner.

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Notice to be posted on land and served on interested parties.

90. (1) A copy of the notice issued by the Government Agent under section 88 shall be served on the owner of the holding and a copy shall be affixed in a conspicuous position on the holding.

(2) If an owner who has to be served under subsection (1) with a notice issued under section 88 cannot by the exercise of due diligence be found, the notice shall be deemed to be duly served on that owner if a copy thereof is left with some adult member of his family or with his servant residing with him ; and, if there is no member of the family or servant of that owner on whom the notice can be so served by way of substitution for personal service, the notice shall be deemed to be duly served on that owner if a copy thereof is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

(3) The Government Agent may also cause a copy of such notice to be served on any person who, in his opinion, is interested in the holding or may be affected by a cancellation of the grant thereof.

Procedure where no cause is shown against cancellation of grant.

91. (1) If the owner of the holding or other person interested therein fails to appear on the date and at the time and place specified in a notice issued under section 88, or appears and states that he has no cause to show why the grant should not be cancelled, the Government Agent may, if he is satisfied that there has been due service of such notice and that there has been a breach of any of the conditions of ownership, recommend to the Governor-General [s] the cancellation of the grant of such holding, but no such recommendation shall be made until after the expiry of a period of fourteen days reckoned from the date specified in the notice issued under section 88.

(2) If, within a period of fourteen days reckoned from the date specified in the notice issued under section 88, the owner of the holding or any other person satisfies the Government Agent that he has cause to show against the proposal to cancel the grant of the holding referred to in such notice and that he was prevented by accident, illness, misfortune or other

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unavoidable cause from appearing on the date and at the time and place specified in such notice, the Government Agent shall appoint another date, time and place for the purpose of enabling cause to be shown against the proposal to cancel the grant of the holding.

Procedure where cause is shown; Government Agent may after inquiry recommend cancellation of grant.

92. (1) If on the date and at the time and place specified in a notice issued under section 88 or appointed by the Government Agent under section 91 (2) cause is shown by any person against the proposal to cancel the grant of the holding referred to in such notice, the Government Agent may, if he is satisfied after inquiry that there has been due service of notice and that there has been a breach of any of the conditions of ownership, recommend to the Governor-General [3] the cancellation of the grant of such holding.

(2) The Government Agent may adjourn any inquiry under this section from time to time and shall hear evidence before making his recommendation. All such evidence shall be given on oath or affirmation which the Government Agent is authorized to administer for the purpose.

Date of recommendation.

93. Every recommendation made by a Government Agent for the cancellation of the grant of a holding shall be dated as of the date on which such recommendation was so made.

Order of Government Agent to be served on parties showing cause and to be posted on land.

94. (1) A copy of the recommendation made by the Government Agent under section 92 shall be served forthwith upon every person who showed cause against the cancellation of the grant at the inquiry held under that section and a copy shall also be affixed forthwith in a conspicuous position on the holding. Every copy so served or affixed shall contain a statement to the effect that an appeal will lie to the Minister [1] against the recommendation of the Government Agent if preferred within a period of thirty days reckoned from the date on which such recommendation was made, and such date shall be specified in such statement.

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(2) If a person who has to be served under subsection (1) with a copy of the recommendation made by the Government Agent under section 92 cannot by the exercise of due diligence be found, the copy shall be deemed to be duly served if it is left with some adult member of that person's family or with his servant residing with him ; and, if there is no member of the family or servant of that person on whom the copy can be so served by way of substitution for personal service, it shall be deemed to be duly served on that person if it is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

Appeal to Minister.

95. A person aggrieved by an order made by the Government Agent under section 91 (2) or by a recommendation made by the Government Agent under section 92 may appeal therefrom to the Minister.[1]

Time-limit for appeal.

96. (1) An appeal under section 95 shall be preferred by written petition within a period of thirty days reckoned from the date on which the recommendation for cancellation of the holding or the order under section 91 (2) was made.

(2) In computing the time within which an appeal must be preferred, the date on which the recommendation or order was made shall be excluded, but all public holidays and Sundays shall be included.

Powers of the Minister in appeal.

97. It shall be competent for the Minister[1] in appeal—

(*a*) to allow the appeal and reverse the recommendation or order of the Government Agent ; or

(*b*) to direct further inquiry to be made or information to be furnished or evidence to be taken ; or

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(*c*) to modify the recommendation of the Government Agent ; or

(*d*) to affirm the recommendation or order of the Government Agent.

Decision of Minister when to be communicated to Government Agent.

98. If the Minister[1] acts under paragraphs (*a*) or (*b*) of section 97, the decision of the Minister[1] shall be communicated to the Government Agent who shall forthwith comply with and give effect to the terms thereof.

Decision of Minister when to be submitted to the Governor-General.

99. If the Minister[1] acts under paragraphs (*c*) or (*d*) of section 97, the decision of the Minister[1] shall be submitted to the Governor-General[3] for confirmation.

No appeal against recommendation of Government Agent under section 91.

100. No appeal shall lie against a recommendation made by the Government Agent under section 91 (1), but such recommendation shall be submitted to the Governor-General[3] for confirmation through the Minister.[1]

Powers of Governor-General.

101. The Governor-General[3] may, when a recommendation of the Government Agent or a decision of the Minister[1] is submitted to him for confirmation, order the cancellation of the grant or make such other order as he may consider just. Any order made by the Governor-General[3] under this section shall be final and conclusive for all purposes.

Order of cancellation to be registered. Effect of such registration.

102. Every order made by the Governor-General[3] for the cancellation of a grant shall be registered, and, upon such registration, the grant shall be deemed to be cancelled with effect from the date of the Governor-General's[3] order and the holding shall revert to and become the exclusive and absolute property of the Crown, free from all encumbrances.

Exclusion of claims in court for compensation.

103. No claim against the Crown for compensation of any kind whatever by any person shall be entertained by any court in any case where the grant of a holding has been cancelled ; but nothing in this section contained shall preclude the free grant of compensation in such cases.

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Powers of the Governor-General in the case of failure of succession to a holding.

104. The Governor-General[3] may make order cancelling the grant of a holding if he is satisfied that there has been a failure of succession thereto either because there is no person lawfully entitled to succeed or because no person so entitled is willing to succeed.

Delay or acceptance of annual payment not to be considered as condonation of breach of condition of ownership.

105. Delay in the issue of a notice under section 88, or the acceptance from the owner of any annual payment after a breach by him of any of the conditions of his grant shall, under no circumstances, be regarded or construed as condonation of any breach of the conditions of ownership.

Notice to permit-holder where there has been a breach of the conditions of permit.

106. If it appears to the Government Agent that a permit-holder has failed to observe a condition of his permit, the Government Agent may issue a notice in the prescribed form intimating to such permit-holder that his permit will be cancelled unless sufficient cause to the contrary is shown to the Government Agent on a date and at a time and place specified in such notice.

Period allowed for showing cause.

107. The date specified in a notice issued under section 106 shall not be less than thirty days from the date of the issue of such notice on the permit-holder.

Notice to be posted on land and served on interested parties.

108. (1) A copy of every notice issued under section 106 shall be served on the permit-holder and a copy shall also be affixed in a conspicuous position on the land affected by such notice. The Government Agent may also cause a copy of such notice to be served on any person who, in his opinion, is interested in the land or may be affected by a cancellation of the permit.

(2) If a permit-holder who has to be served under subsection (1) with a notice issued under section 106 cannot by the exercise of due diligence be found, the notice shall be deemed to be duly served on that permit-holder if a copy thereof is left with some adult member of his family or with his servant residing with him ; and, if there is no member of the family or servant of that permit-holder on whom the notice can

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be so served by way of substitution for personal service, the notice shall be deemed to be duly served on that permit-holder if a copy thereof is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

Order cancelling permit if permit-holder fails to appear.

109. (1) If the permit-holder fails to appear on the date and at the time and place specified in a notice issued under section 106, or appears and states that he has no cause to show why his permit should not be cancelled, the Government Agent may, if he is satisfied that there has been due service of such notice and that there has been a breach of any of the conditions of the permit, make order cancelling such permit but no such order shall be made until after the expiry of a period of fourteen days reckoned from the date specified in the notice issued under section 106.

(2) If, within a period of fourteen days reckoned from the date specified in the notice issued under section 106, the permit-holder satisfies the Government Agent that he has cause to show why his permit should not be cancelled and that he was prevented by accident, illness, misfortune or other unavoidable cause from appearing on the date and at the time and place specified in such notice, the Government Agent shall appoint another date, time and place for the purpose of enabling the permit-holder to show cause why his permit should not be cancelled.

Procedure where permit-holder appears and shows cause.

110. (1) If on the date and at the time and place specified in a notice issued under section 106 or appointed by the Government Agent under section 109 (2) the permit-holder appears and offers to show cause why his permit should not be cancelled, the Government Agent may, if he is satisfied after inquiry that there has been a breach of any of the conditions of the permit, make order cancelling the permit.

(2) The Government Agent may adjourn any inquiry under this section from time to time and shall hear evidence before making his order.

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Date of order of cancellation.

111. Every order made by the Government Agent for the cancellation of a permit shall be dated as of the date on which such order was made.

Order of Government Agent to be served on permit-holder and to be posted on land.

112. (1) A copy of an order made by a Government Agent under section 110 shall be served forthwith on the permit-holder and a copy of such order shall also be affixed forthwith in a conspicuous position on the land affected by such order. Every copy so served or affixed shall contain a statement to the effect that an appeal from such order will lie to the Land Commissioner if preferred within a period of thirty days reckoned from the date of the order and such date shall be specified in such statement.

(2) If a permit-holder who has to be served under subsection (1) with a copy of an order made by the Government Agent under section 110 cannot by the exercise of due diligence be found, the copy shall be deemed to be duly served if it is left with some adult member of the permit-holder's family or with his servant residing with him ; and, if there is no member of the family or servant of that permit-holder on whom the copy can be so served by way of substitution for personal service, it shall be deemed to be duly served on that permit-holder if it is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

Appeal to Land Commissioner.

113. A permit-holder aggrieved by an order made by the Government Agent under section 110 may appeal therefrom to the Land Commissioner.

Time-limit for appeal.

114. (1) An appeal under section 113 shall be preferred by written petition within a period of thirty days reckoned from the date on which the order appealed from was made.

(2) In computing the time within which an appeal must be preferred, the date on which the order appealed from was made shall be excluded, but all public holidays and Sundays shall be included.

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Powers of Land Commissioner.

115. The Land Commissioner may in appeal—

(*a*) direct further inquiry to be made or information to be furnished or evidence to be given ; or

(*b*) allow the appeal and set aside the order of the Government Agent ; or

(*c*) modify the order of the Government Agent ; or

(*d*) affirm the order of the Government Agent ; or

(*e*) make such other order as he may consider just.

Copy of Land Commissioner's decision to be served on permit-holder and to be final.

116. (1) The decision of the Land Commissioner under section 115 shall be communicated to the Government Agent who shall forthwith cause a copy thereof to be served on the permit-holder who preferred the appeal.

(2) Any decision made by the Land Commissioner under section 115 shall be final and conclusive for all purposes.

Government Agent's order under section 109 is final.

117. No appeal shall lie against an order of cancellation made by the Government Agent under section 109 but such order shall be final and conclusive for all purposes.

Right of party to be represented by agent.

118. The agent or representative of any owner or permit-holder may appear before the Government Agent in any proceedings taken or inquiry held under this Chapter :

Provided that the Government Agent may at any time require any owner or permit-holder to appear in person before him if in his opinion the attendance of that owner or permit-holder is necessary for the purpose of any proceedings taken or inquiry held under this Chapter.

CHAPTER IX

Procedure In Ejectment

Notice to issue on party in occupation to vacate holding.

119. When the grant of a holding has been cancelled, the Government Agent may issue a notice on any person in possession or occupation of the holding calling upon such person forthwith to vacate the holding.

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Report to a Magistrate if person served with notice refuses to vacate holding.

120. If any person on whom a notice has been issued under section 119 fails forthwith to vacate the holding and deliver over possession thereof in terms of the notice so issued and served upon him, the Government Agent, or some other person deputed by him for the purpose, may present to the Magistrate a written report stating the fact that the grant relating to such holding has been duly cancelled and that the person named in such report is in unlawful possession or occupation of such holding and has failed to vacate such holding though served with a notice issued under section 119.

Summons to issue.

121. Upon receipt of a written report presented to him under section 120, the Magistrate shall forthwith issue a summons to the person named in such report to appear and show cause on a specified date why he should not be ejected from the holding.

Order of ejectment where no cause is shown.

122. If on the date specified in a summons issued under section 121, the person to whom such summons was issued fails to appear, or appears and informs the court that he has no cause to show against an order of ejectment, the court shall forthwith issue an order directing such person to be ejected from the holding.

Inquiry if cause is shown.

123. If the person to whom summons has been issued under section 121 appears on the date specified in such summons and states that he has cause to show against the issue of an order of ejectment, the Magistrate may proceed forthwith to hear and determine the matter or may set the case down for inquiry on some future date.

Scope of inquiry.

124. At such inquiry it shall not be open to the person whose grant has been cancelled or any other person claiming title to the holding through or under the person whose grant has been cancelled to assert or prove—

(*a*) that the holding does not belong to the Crown ;

(*b*) that the order of cancellation of the grant should not have been made.

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Order of ejectment.

125. If, after due inquiry, the Magistrate is not satisfied that the person showing cause is entitled to the possession or occupation of the holding, he shall make order directing such person forthwith to be ejected from the holding.

Appeal to Supreme Court.

126. Any person aggrieved by an order made against him by the Magistrate under section 125 may appeal therefrom to the Supreme Court ; and the provisions of Chapter XXX of the Criminal Procedure Code shall apply accordingly as though the appeal were preferred against a final order of a Magistrate in respect of which an appeal lies to the Supreme Court under that Chapter of that Code.

Execution of order of ejectment.

127. (1) If no appeal has been preferred against an order of ejectment made by a Magistrate under section 125 within the time allowed for such an appeal, or, if an appeal has been preferred after the final decision of the Supreme Court affirming the order of ejectment shall have been duly certified to the Magistrate's Court, the Magistrate shall, on the application of the Government Agent, direct the Fiscal or a peace officer to eject from the holding any person bound by the order of ejectment and to deliver possession of the holding to the Government Agent or to his representative.

(2) The Fiscal or the peace officer entrusted with the execution of the order of ejectment shall comply with the directions of the Magistrate and make due return of the manner in which he executes the order.

(3) In executing an order of ejectment, the Fiscal or the peace officer or any officer authorized by either of them may use such force as may be necessary to enter the holding, to eject any person bound by the order of ejectment and to deliver possession of the holding to the Government Agent or to his representative.

Ejectment from land alienated on permit.

128. The provisions of this Chapter shall apply, *mutatis mutandis,* in a case where any person is in unlawful or unauthorized possession or occupation of Crown land after the cancellation of the permit whereby such land was alienated.

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CHAPTER X

Recovery Of Annual Payments And Moneys Due To The Crown

Payment of moneys due to the Crown.

129. Any annual or other payment of any money due to the Crown by an owner or by a permit-holder in respect of any land alienated under this Ordinance may be made at the district kachcheri to the Government Agent or to an officer authorized by the Government Agent to receive such payments and to issue receipts therefor.

Remission, reduction and waiver of annual payments.

130. (1) It shall be lawful for the Minister [3] at any time to remit any annual payment or arrears of annual payments or any moneys due to the Crown under this Ordinance.

(2) The powers of the Minister [1] under subsection (1) may be exercised on his behalf by such persons and in such manner as may be prescribed.

(3) If the Government Agent is satisfied that there is sufficient cause for granting relief generally to any class of persons in any locality in respect of any annual payments due by such persons on account of lands alienated in such locality on grants or permits, he may either reduce the amount of any such annual payment or waive it altogether :

Provided that such reduction or waiver shall not be made operative for a period exceeding one year.

Specified grounds upon which a reduction or waiver of annual payments may be made.

131. Without prejudice to the generality of the grounds upon which a Government Agent may reduce or waive any annual payment under section 130, any general failure of crops due to unfavourable weather conditions, any exceptional fall in the price of any staple commodity, any epidemic, or any outbreak of cattle disease adversely affecting the cultivation of the land, may be deemed to be a sufficient cause for granting relief under that section.

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Penalties for payments overdue or in arrears.

132. The owner of a holding or a permit-holder shall be liable in respect of any payments which may be overdue or in arrears, to make additional payments to the Crown according to such scale and in such manner as may be prescribed.

Money due to Crown a first charge on land.

133. Any amount due to the Crown by an owner or by a permit-holder in respect of any land alienated under this Ordinance shall be a first charge on the holding of such owner or on the land held by such permit-holder on his permit, as the case may be.

Seizure and sequestration of crops and movable property of defaulting owner.

134. If the owner of a holding makes default in the due payment of any moneys payable by him to the Crown in respect of such holding, the Government Agent or any person authorized by him in writing may seize and sequester the crops and produce of such holding together with any movable property thereon belonging to the owner who has so made default :

Provided that the following property shall not be liable to seizure or sequestration under this section :—

(*a*) the necessary wearing apparel, beds, and bedding of the owner who has made default, or of his wife, and children ; and,

(*b*) utensils used in his dwelling house for cooking or for the preparation of food, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the officer effecting the seizure or sequestration, be necessary to enable him to earn his livelihood as an agriculturist.

In this Chapter a growing crop is movable property.

135. In this Chapter a growing crop on any land shall not be regarded as an interest in land but shall be deemed to be movable property.

Property seized to be taken charge of.

136. The person effecting the seizure may take charge of or place another person in charge of any crops, produce or movable property seized under section 134.

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Sale of property seized.

137. (1) If the defaulter fails to pay the amount due to the Crown together with the costs of seizure within a period of thirty days reckoned from the date of such seizure the Government Agent may cause the property seized to be sold by public auction or by tender :

Provided that perishables may be sold as soon as may be deemed expedient by the person effecting the seizure.

(2) In computing the period of thirty days referred to in subsection (1), the date on which the seizure was made shall be excluded but all Sundays and public holidays shall be included.

(3) Regulations may be made prescribing the costs which may be charged or recovered for any seizure or sale effected under this Chapter.

List of property seized.

138. (1) A list shall be made showing details of the property seized under section 134 and sold under section 137, the names and addresses of the purchasers, the prices realized, and the total amount recovered by the sale.

(2) Upon payment of the purchase money, a purchaser at a sale under section 137 shall receive a certificate of sale showing the property purchased and the price paid for such purchase.

Excess to be refunded to defaulter.

139. If the amount realized by the sale of the property seized under section 134 exceeds the total amount of the debt due to the Crown together with the costs of seizure and sale, the Government Agent shall refund the excess to the defaulter.

Seizure of holding.

140. If at a sale under section 137 the amount recovered is insufficient to discharge the debt due by the owner to the Crown together with the costs of seizure and sale, the Government Agent or a person authorized by him in writing may seize the holding.

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Seizure, how effected.

141. (1) A seizure of a holding shall be effected by serving upon the owner thereof a notice substantially in the prescribed form and by affixing a copy of such notice in a conspicuous position on such holding. A copy of such notice may also be served on any other person interested in the holding or affected by the seizure thereof.

(2) If the owner of a holding who has to be served with a notice under subsection (1) cannot by the exercise of due diligence be found, the notice shall be deemed to be duly served on that owner if a copy thereof is left with some adult member of his family or with his servant residing with him ; and, if there is no member of the family or servant of that owner on whom the notice can be so served by way of substitution for personal service, the notice shall be deemed to be duly served on that owner if a copy thereof is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

(3) No holding shall be seized if the defaulting owner thereof surrenders free and unclaimed movable property to satisfy the entirety of the amount due from him.

Registration of seizure.

142. (1) Every seizure of a holding shall be registered.

(2) No disposition of a holding shall be valid if it is effected or registered after the seizure of that holding has been registered.

Seizure of protected holding operates as cancellation of grant thereof and vests holding in the Crown.

143. (1) The seizure of a protected holding under this Chapter shall operate as a cancellation of the grant thereof and shall vest such holding absolutely in the Crown free from all encumbrances ; but the person who was the owner of such holding at the time of seizure shall be entitled to a reconveyance thereof upon payment within a period of one year reckoned from the date of that seizure of the total amount due in respect of such holding together with the costs of seizure.

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Where the owner dies before the expiry of the period of one year herein before specified, the right to a reconveyance of the holding may be exercised by the successor of that owner on the same terms and within the same period.

(2) The reconveyance referred to in subsection (1) may be effected by an endorsement substantially in the prescribed form made by the Government Agent on the grant relating to such protected holding. Every such endorsement shall be registered.

Protected holding not to be sold.

144. No protected holding shall be sold by the Crown under this Chapter.

Sale of unprotected holding.

145. An unprotected holding, which has been seized under section 141, may be sold at the instance of the Government Agent by public auction in such manner as may be prescribed.

Moneys realized by sale to be paid to Government Agent.

146. All moneys realized by the sale of an unprotected holding shall be paid to the Government Agent who shall, after deducting the amount due to the Crown including the costs of the seizure and sale of such holding, pay the balance, if any, to the person who was the owner of such holding before the sale.

Certificate of sale.

147. (1) A certificate substantially in the prescribed form shall, when signed by the Government Agent, be sufficient to vest in the purchaser the title of the owner against whom the unprotected holding was sold under section 145.

(2) Such certificate shall be liable to the stamp duty payable on conveyances of immovable property and to any registration or other charges authorized by law. Such duty and all such charges shall be paid by the purchaser.

Purchase of unprotected holding by the Crown.

148. An unprotected holding sold under section 145 may be purchased by the Crown and the Government Agent may authorize any person in writing to bid for and purchase such holding on behalf of the Crown,

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but no stamp duty or other charges referred to in section 147 (2) shall be payable by any person who so purchases an unprotected holding on behalf of the Crown.

Cancellation of sale.

149. (1) Where the Crown purchases an unprotected holding sold under section 145, it shall be lawful for the Government Agent, at any time before such holding shall have been re-alienated, on payment by the owner against whom such holding was sold of the total amount due to the Crown in respect of such holding (including the costs of seizure and sale), together with interest thereon at the rate of nine *per centum* per annum, by endorsement on a certified copy of the certificate referred to in section 147, to cancel the sale; and upon the registration of such endorsement, such holding shall revest in the owner as though such sale had never been made.

(2) No stamp duty shall be payable on an endorsement made under this section, but the registration and other charges shall be payable by the owner in whom the unprotected holding is revested.

Resale by Crown.

150. (1) Where the Crown purchases an unprotected holding sold under section 145, and such sale has not been cancelled under section 149, it shall be competent for the Government Agent at any time, when re-alienating the land, to transfer to the purchaser, by endorsement on a certified copy of the certificate referred to in section 147, the title which would have been acquired by such purchaser if he had purchased such holding at the original sale, and upon the registration of such endorsement such title shall vest in the purchaser accordingly.

(2) Every such endorsement shall be liable to the same duty and charges as a certificate to a purchaser at the original sale and such duty and charges shall be payable by the purchaser.

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Rights of mortgagee.

151. (1) If an unprotected holding to be sold under section 145 is subject to a mortgage, it shall be lawful for the mortgagee, on payment to the Government Agent of the total amount due to the Crown including the costs of seizure, to add the amount so paid to his mortgage debt and the amount so added shall be secured in the same manner, and shall be subject to the same interest and be recoverable on the same conditions as the mortgage debt.

(2) The amount paid by the mortgagee under subsection (1) shall be certified by the Government Agent by an endorsement on the mortgage bond and such certificate may be registered by the mortgagee. No stamp duty shall be payable on the certificate so endorsed.

Recovery of money due to local authorities.

152. (1) If the owner of a protected holding fails to pay any sum due to a local authority in respect of such holding, such local authority may report the defaulter to the Government Agent, who may thereupon take action under this Chapter to recover the sum due from the defaulter as though such sum were due to the Crown and not to such local authority.

(2) Save as is herein expressly provided, a local authority shall not take proceedings for the recovery of any sum due to such local authority from the owner of a protected holding in respect of such holding.

Delivery to local authority of money received by Government Agent.

153. The Government Agent shall deliver to a local authority any sum recovered by him in satisfaction of the debt due to such local authority and of the interest thereon, if any, and shall pay the costs of seizure, if recovered, into the Consolidated Fund of Ceylon.

All moneys due to Crown must be recovered by procedure under this Chapter.

154. No money, rate, tax, duty or fee due to the Crown under any other written law in respect of or on account of a protected holding, shall be recovered except in accordance with the provisions of this Chapter.

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CHAPTER XI

REGULATIONS

Minister authorized to make regulations.

155. The Minister [1] may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

Matters which may be provided for by regulations.

156. In particular and without prejudice to the generality of the powers conferred by section 155, regulations may be made for, and with respect to, all or any of the following matters :—

(*a*) the forms, fees, documents, and matters stated in or required by this Ordinance to be prescribed ;

(*b*) the mapping-out of Crown land ;

(*c*) the alienation under this Ordinance of Crown land over 5,000 feet in elevation ;

(*d*) the maintenance of reserves for the preservation of the sources and courses of streams and for the prevention of erosion of the soil ;

(*e*) the manner of paying or recovering fees, costs or other charges ;

(*f*) the collection by the Government Agent of moneys due to local authorities ;

(*g*) the classification of persons for the purpose of alienating Crown land under this Ordinance ;

(*h*) the procedure to be observed, the fees to be paid and the forms to be used in preferring appeals to the Minister ; [1]

(*i*) the manner of publishing or serving notices or of serving other process ;

(*j*) the assessment of annual payments ;

(*k*) any matters incidental to or connected with the matters or subjects specifically referred to in this section.

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Regulations to be approved.

157. No regulation shall have effect until it has been approved by the Senate and the House of Representatives.[1] Notification of such approval shall be published in the Gazette.

Regulations to have statutory force.

158. A regulation made by the Minister[1] shall, upon the publication of the notification of approval provided for in section 157, be as valid and effectual as though it were herein enacted.

CHAPTER XII

MISCELLANEOUS

Ordinance deemed to be referred to in leases or permits executed prior to its introduction.

159. Where in any Crown lease or permit executed before the date on which this Ordinance shall come into operation it is provided—

(*a*) that such lease or permit shall terminate when legislation is passed for its cancellation ; or

(*b*) that at the expiration of a stated period of time or upon the fulfilment by the lessee or by the permit-holder of stated conditions such lessee or permit-holder shall be given the right to hold the land upon a tenure to be thereafter introduced by legislation,

this Ordinance shall be deemed to be the legislation referred to in such lease or permit.

Government Agent to enter any holding at any time.

160. The Government Agent or any person duly authorized by him in writing may at any time of the day between 6 a.m. and 6 p.m. enter any holding for the purpose of inspection or for any other purpose incidental to or connected with the duties of a Government Agent under this Ordinance.

No prescriptive title to be acquired to land alienated under Ordinance.

161. No person shall, by possession of any land alienated on a permit or a grant, acquire any prescriptive title thereto against any other person or against the Crown.

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Notary prohibited from attesting disposition of a holding unless consent of Government Agent is attached thereto.

162. (1) A notary shall not attest any deed operating as a disposition of a protected holding unless the written consent of the Government Agent to such disposition shall have been previously obtained nor unless such deed shall have attached thereto the document by which the Government Agent granted his consent to the disposition sought to be effected by such deed. Such document of consent shall be specifically referred to by the notary in the attestation of such deed.

(2) A deed executed or attested in contravention of the provisions of this section shall be null and void for all purposes.

Notary attesting deed in breach of section 162 guilty of offence.

163. A notary who knowingly attests any deed in breach of the provisions of section 162 shall be guilty of an offence and shall, on conviction by a Magistrate after summary trial, be liable to a fine not exceeding five hundred rupees.

Mapped-out land may be settled.

164. The fact that any land has been mapped-out shall be no bar to the inclusion of such land in a settlement notice under the Land Settlement Ordinance.

Action *rei vindicatio* may be maintained against Crown in respect of alienated land.

165. Nothing in this Ordinance contained shall preclude any person claiming to be entitled to any land which has been alienated from instituting an action against the Crown for the vindication of his title thereto ; but nothing in this section shall enable or authorize the owner of a holding or a permit-holder to sue the Crown for the vindication of title to such holding or to the land alienated to such permit-holder, as the case may be.

Protection of public servants.

166. No suit shall lie against any public servant for anything done by him in good faith under this Ordinance.

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Provisions of particular enactments not to apply.

167. (1) The provisions of the enactments enumerated in the first column of the Fourth Schedule shall, to the extent indicated in the second column of such Schedule, have no application to any land alienated under this Ordinance.

(2) The Minister [1] may, by regulation made under section 155, add to the Fourth Schedule.

Penalty for clearing mapped-out land.

168. (1) If any person—

(*a*) clears or breaks up for cultivation or cultivates any Crown land which has been mapped-out ; or

(*b*) erects any building or structure on such land ; or

(*c*) fells or otherwise destroys any trees standing on such land ; or

(*d*) otherwise encroaches on such land,

he shall be guilty of an offence and shall on conviction by a Magistrate be liable to pay a fine not exceeding one hundred rupees :

Provided that no person shall be convicted under this section unless the land in question has been declared to be the property of the Crown under the Land Settlement Ordinance, or under any Ordinance repealed by Ordinance No. 20 of 1931, or has been acquired by the Crown under the Land Acquisition Ordinance, 1876,* or under the Land Acquisition Act.

(2) A conviction under this section shall operate as an order of ejectment made under section 125 and on such conviction the Government Agent may, after the lapse of the appealable time, or, if an appeal has been preferred, after the conviction has been affirmed in appeal, apply to the Magistrate under section 127 for the enforcement of such order of ejectment.

Trusts, &c., affecting land not to be recognized.

169. No trust, fideicommissum, or equitable charge shall be created, declared, recognized or enforced in respect of any land alienated under this Ordinance.

* Repealed by Act No. 9 of 1950.

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Succession to be regulated entirely by this Ordinance.

170. (1) No written law (other than this Ordinance) which provides for succession to land upon an intestacy and no other law relating to succession to land upon an intestacy shall have any application in respect of any land alienated under this Ordinance.

(2) No person shall, by virtue of any appointment in any last will, have or acquire any title to succeed to any land alienated under this Ordinance save and except a life-holder or a successor duly nominated by last will under the provisions of Chapter VII.

Definition of "middle-class Ceylonese".

171. No person shall for the purposes of this Ordinance be deemed to be a "middle-class Ceylonese" on a particular date if the statutory income of such person computed under the provisions of the Income Tax Ordinance, for the year of assessment ending on the thirty-first day of March preceding such date exceeds a sum of twelve thousand rupees : [§ 2, 49 of 1953.]

Provided that—

(i) in the case of spouses, the statutory income of either spouse shall be computed as though separate assessment had been claimed and made in pursuance of notice duly given under the provisions of section 25 of the Income Tax Ordinance ;

(ii) in the case of spouses who have not been divorced by the decree of a competent court, or who are not living apart under a duly executed deed of separation, neither spouse shall be deemed to be a middle-class Ceylonese for the purposes of this Ordinance if the joint statutory income of both spouses exceeds in the aggregate a sum of twenty-four thousand rupees. [§ 2, 49 of 1953.]

Loans to owners of holdings.

172. Regulations may be made for lending money to owners of holdings out of funds provided for the purpose by Parliament.[1] Such regulations may prescribe the conditions upon which and the terms for which such money may be lent. Where default is made

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in the repayment of any money lent to the owner of a holding under this section such money together with the interest, if any, which is due thereon shall be deemed to be money due to the Crown under this Ordinance and may be recovered in the manner herein before provided in Chapter X.

[Section 32.]

FIRST SCHEDULE

ESSENTIAL CONDITIONS

1. The owner shall not dispose of a divided share of the holding less, in extent, than the unit of subdivision specified in the grant.

2. The owner shall not dispose of an undivided share in the holding less than the minimum fraction specified in the grant.

3. No person shall be the owner of a divided share of the holding less in extent than the unit of subdivision specified in the grant.

4. No person shall be the owner of an undivided share in the holding less than the minimum fraction specified in the grant.

5. The holding or a specified portion or proportion thereof shall be regularly cultivated or utilized in any other manner specified in the grant. For the purposes of this condition chena cultivation shall not be deemed to be regular cultivation.

6. There shall be paid annually to the Crown on account of the holding the sum specified in the grant.

[Section 33.]

SECOND SCHEDULE

OPTIONAL CONDITIONS

1. Specified crops shall not be grown and specified plantations shall not be made on the whole or a specified portion of the holding without the written consent of the Government Agent.

2. Specified crops shall be grown or specified plantations shall be made upon the whole or a specified portion of the holding unless the written consent of the Government Agent be obtained to any relaxation of this condition.

3. The holding shall not be leased or mortgaged except to the Crown.

4. If the Government Agent considers that any works are necessary in order to prevent surface erosion of the soil, the owner shall at his own expense carry out such works to the satisfaction of the Government Agent.

5. The owner shall reside upon the holding.

6. Within a specified period after the issue of the grant the timber on the holding shall be used for specified purposes only and not for any other purpose except with the permission of the Government Agent.

7. No disposition of the holding shall be made except with the prior permission in writing of the Government Agent.

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THIRD SCHEDULE

[Sections 51, 71, 72, and 77.]

RULES

1. Where, on the death of the owner, no successor or life-holder succeeds to the holding, the title thereto shall devolve on the surviving spouse of such deceased owner and, failing such spouse, on one only of the relatives of such owner in the order of priority in which they are respectively mentioned in the subjoined table, the older being preferred to the younger where there are more relatives than one in any group.

Table

(i) Sons.
(ii) Daughters.
(iii) Grandsons.
(iv) Granddaughters.
(v) Father.
(vi) Mother.
(vii) Brothers.
(viii) Sisters.
(ix) Uncles.
(x) Aunts.
(xi) Nephews.
(xii) Nieces.

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In this rule, "relative" means a relative by blood and not by marriage.

2. Where in any group of relatives mentioned in the table subjoined to rule 1 there are two or more persons of the same age who are equally entitled and willing to succeed, the Government Agent may nominate one of such persons to succeed to the holding. Such decision of the Government Agent shall be final.

3. Where the surviving spouse on whom the title to a holding devolves under the provisions of rule 1 is unwilling to succeed, the title to such holding shall devolve upon the relative next entitled to succeed to the holding under the provisions of rule 1.

4. If any relative on whom the title to a holding devolves under the provisions of these rules is unwilling to succeed to such holding, the title thereto shall devolve upon the relative who is next entitled to succeed under the provisions of rule 1.

5. It shall be lawful for the surviving spouse or any relative of the deceased owner of a holding to refuse to succeed to such holding.

FOURTH SCHEDULE

[Section 167.]

Column 1	Column 2
1. The Partition Act ..	.. The whole

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CHAPTER 465

ENCROACHMENTS UPON CROWN LANDS

Ordinances Nos. 12 of 1840, 22 of 1931, 8 of 1947,

Act No. 8 of 1954.

AN ORDINANCE TO MAKE PROVISION FOR THE PREVENTION OF ENCROACHMENTS UPON CROWN LANDS.

[*27th October, 1840.*]

Short title.

1. This Ordinance may be cited as the Crown Lands Encroachments Ordinance.

Information of encroachment.

[§ 2, 8 of 1954.]

2. It shall and may be lawful for the District Court, upon information supported by affidavit charging any person or persons with having, without the permission of the Government, entered upon or taken possession of any land which belongs to, or which immediately prior to such entry or taking possession was in the possession of, Her Majesty, Her Heirs, or Successors, to issue its summons for the appearance before it of the party or parties alleged to have so illegally entered upon or taken possession of such land, and of any other person or persons whom it may be necessary or proper to examine as a witness or witnesses on the hearing of any such information ; and the said District Court shall proceed in a summary way in the presence of the parties, or in case of wilful absence of any person against whom any such information shall have been laid, then in his absence to hear and determine such information ; and in case on the hearing thereof it shall be made to appear by the examination of the said party or parties, or other sufficient evidence to the satisfaction of such District Court, that the said party or parties against whom such information shall have been laid hath or have entered upon or taken possession of the land mentioned or referred to in such information

[§ 2, 8 of 1954.]

without the permission of the Government, such District Court is hereby authorized and required to

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Order for delivery up of possession.

make an order directing such party or parties to deliver up to Her Majesty, Her Heirs, or Successors, peaceable possession of such land, together with all crops growing thereon, and all buildings and other immovable property upon and affixed to the said land, and to pay the cost of such information ; and in case the party or parties against whom any such order shall have been made shall not, within fourteen days after service thereof, deliver up possession of the said land and premises, pursuant to the said order, or shall afterwards make or cause to be made any further encroachments upon the said land or premises, contrary to such order or in evasion thereof, then and in such case it shall be lawful for such District Court to adjudge such party or parties to pay a fine not exceeding fifty rupees, or to be imprisoned, with or without hard labour, for any time not exceeding fourteen days, and to make a further order for the immediate delivery over of the possession of such land and premises to Her Majesty, Her Heirs, or Successors ; and the District Court shall thereupon cause possession thereof to be delivered to Her Majesty, Her Heirs, or Successors, accordingly.

Penalty on disobedience of order or renewed encroachment.

Subsequent proceeding by ordinary course of law.

3. Any person against whom any such order as aforesaid may have been made may, notwithstanding such order, proceed by the ordinary course of law to recover possession of such lands, in case he shall be able to establish a title thereto ; and may also in such case recover a reasonable compensation for the damage he may have sustained by reason of his having been compelled to deliver up possession of the said premises, and in like manner, in case of the dismissal of any such information, the party having preferred the same may proceed according to the ordinary course of law, as if no such information had been preferred.

Court may order payment of costs.

4. Provided always that in case any such information shall be dismissed, it shall be lawful for the said District Court, if it shall think fit, to order payment by Government to the party or parties against whom the same may have been preferred of such sum as the said court may consider to be the amount of costs fairly incurred by such party or parties by reason of such information so dismissed.

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Proceedings subject to rules of court.

5. The forms of the proceedings to be observed on lodging complaints, in issuing summonses, in the examination of the party or parties, in the citation of witnesses, in the making orders, and generally for the complete carrying into execution the powers hereby vested in the said District Court, shall be according to such general rules of practice as the Judges of the Supreme Court may now or hereafter frame thereon.

Cinnamon lands, when the property of the Crown.

6. All cinnamon lands which shall have been uninterruptedly possessed by Government for a period of thirty years and upwards, by peeling the cinnamon growing thereon, shall be held and deemed to be the property of the Crown.

Waste lands to be deemed the property of the Crown.

7. All forest, waste, unoccupied, or uncultivated lands shall be presumed to be the property of the Crown until the contrary thereof be proved, and all chenas and other lands which can be only cultivated after intervals of several years shall, if the same be situate within the districts formerly comprised in the Kandyan provinces (wherein no *thombo* registers have been heretofore established), be deemed to belong to the Crown and not to be the property of any private person claiming the same against the Crown, except upon proof only by such person—

(*a*) of a *sannas* or grant for the same, together with satisfactory evidence as to the limits and boundaries thereof ; or

(*b*) of such customary taxes, dues, or services having been rendered to the Crown or other person for the same as have been rendered for similar lands being the property of private proprietors in the same districts ; or

(*c*) of his or his predecessor in title having made and maintained a permanent plantation in and upon the same for a period of not less than thirty years, or of his having otherwise improved the same and maintained it in such

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improved state for such period, and in either case of his having held uninterrupted possession of the same during the whole of the said period.

In all other districts in Ceylon chena and other lands which can only be cultivated after intervals of several years shall be deemed to be forest or waste lands within the meaning of this section.

Encroachment on road, &c.

8. All and every encroachment on any public road, street, or highway, by building or other erection, or by enclosure, planting, or otherwise, shall, on information thereof, be immediately abated and removed by judgment, order, or decree of the District Court thereon, and the party or parties offending found liable in damages besides the costs of suit.

Headman to give information.

9. Any principal or other headman who shall wilfully or knowingly refuse or neglect to give every information within his knowledge or power immediately to the Government Agent or some Assistant Agent of his administrative district, of any encroachment made by any person or persons upon any land belonging to Her Majesty, Her Heirs, or Successors, and situated in the district or village of such headman, shall be liable for every such offence to a fine not exceeding one hundred rupees.

Interpretation.

10. In this Ordinance, unless the context otherwise requires—

"unoccupied land" includes land occupied by, on behalf of, or under, the Crown.

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CHAPTER 466

SERVICE *PRAVENI* LANDS

Ordinance No. 3 of 1852.

AN ORDINANCE TO REPEAL REGULATION NO. 8 OF 1809, AND TO REMOVE CERTAIN RESTRICTIONS PECULIAR TO THE TENURE OF SERVICE "PRAVENI" LANDS.

[*25th August, 1852.*]

Short title.

1. This Ordinance may be cited as the Service *Praveni* Lands Succession Ordinance.

Succession in female as well as in male heirs.

2. The privilege of succeeding to service *praveni* lands shall be in the female as fully as in the male heirs of all persons who shall die possessed of such lands after this Ordinance shall have come into operation, and such lands shall not revert to the Crown on the failure of male heirs; and such lands are hereby declared to be henceforth capable of alienation by gift, sale, devise, or other act, or of being charged or encumbered with any debt whatever; and such lands are hereby further declared to be henceforth liable to be sold by virtue of any writ of execution or other legal process of any court of Ceylon.

Former sale and possession under writ of execution not invalid.

3. No sale of any service *praveni* land, or of any share thereof heretofore effected under any writ of execution or other legal process of any court of Ceylon, and no sale or alienation of any such land, or of any share thereof heretofore effected by any person in the lawful possession thereof, shall be deemed to be invalid by reason of anything in Regulation No. 8 of 1809* contained, or by reason of such land being

* Repealed by Ordinance No. 3 of 1852.

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service *praveni* land, unless some suit or other proceeding at law touching the validity of such sale or alienation shall be pending at the time that this Ordinance shall come into operation, in every which excepted case such suit or proceeding shall be determined in such and the same manner as it would have been determined if this Ordinance had not been enacted.

Rate of tax not affected.

4. Nothing in this Ordinance contained shall or shall be construed to affect the rate of tax to which any service *praveni* lands may be liable.

M. 64——J. N. R 7598 (4/60)

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CHAPTER 467

SERVICE TENURES

Ordinance No. 4 of 1870.

AN ORDINANCE TO DEFINE THE SERVICES DUE BY THE "PRAVENI" TENANT OF "WIHARAGAMA", "DEWALAGAMA", AND "NINDAGAMA" LANDS, AND TO PROVIDE FOR THE COMMUTATION OF THOSE SERVICES.

[*1st February, 1870.*]

Short title.

1. This Ordinance may be cited as the Service Tenures Ordinance.

Interpretation.

2. The following words and expressions in this Ordinance shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction :—

"Government Agent" shall mean the Government Agent of the administrative district to which the village or villages thereof in which services are to be defined under this Ordinance may belong ;

"*maruwena nilakaraya*" shall mean the tenant at will of a *maruwena pangu* ;

"*maruwena pangu*" shall mean an allotment or share of land in a temple or *nindagama* village held by one or more tenants at will ;

"*nindagama* proprietor" shall mean any proprietor of *nindagama* entitled to demand services from any *praveni nilakaraya* or *maruwena nilakaraya*, for and in respect of a *praveni pangu* or *maruwena pangu* held by him ;

"*praveni nilakaraya*" shall mean the holder of a *praveni pangu* in perpetuity, subject to the performance of certain services to the temple or *nindagama* proprietor ;

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"*praveni pangu*" shall mean an allotment or share of land in a temple or *nindagama* village held in perpetuity by one or more holders, subject to the performance of certain services to the temple or *nindagama* proprietor ;

"temple" shall include *wihara* and *dewala* ;

"*wiharagama* proprietor" or "*dewalagama* proprietor" shall include the officer of any *wihara* or *dewala* respectively entitled to demand services from any *praveni nilakaraya* or *maruwena nilakaraya*, for and in respect of a *praveni pangu* or *maruwena pangu* held by him.

PART I

Department And Officers

Power to appoint commissioners to carry this Ordinance into effect.

Clerks and other ministerial officers.

Any one commissioner competent to act.

3. There may be appointed a commissioner, or commissioners not exceeding three in number for each district[3] specified in such appointment, for carrying into effect the provisions of this Ordinance, and for executing the several powers hereby conferred upon him or them, and such clerks or other ministerial officers as may appear necessary.[3] The powers and duties hereby conferred and imposed upon the commissioners may be exercised and performed by any one of them.

Oath.

4. Every such commissioner shall, before proceeding to execute any of the powers and duties hereby conferred and imposed upon him, take and subscribe the oath of allegiance and the official oath.

Commissioner not to be purchaser of land.

5. No such commissioner, clerk, or other officer shall be capable whilst such commission is being held, of being a purchaser, either in his own name or in the name or names of any other person, of any lands belonging to any temple or *nindagama* proprietor or *praveni pangukaraya.*

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Proceedings of commissioners to be with open doors.

6. The proceedings of the commissioners in the investigation of any claims and in the settlement of any disputes in virtue of the provisions of this Ordinance shall be carried on, and the decisions and orders of such commissioners shall be reduced to writing and shall be pronounced and declared, with open doors.

PART II

Investigation And Settlement Of Claims

Commissioners to call upon headmen and temple and *nindagama* proprietors for lists of *panguwas* held by them.

7. So soon as reasonably may be after this Ordinance shall come into operation, the commissioners appointed by virtue hereof for any district shall cause notice to be published in any village in such district specified in the notice, calling upon the headmen of such village or district, and upon the *wiharagama, dewalagama,* and *nindagama* proprietors of all *praveni* or *maruwena pangus* in such village to produce or forward to them at such times and places as they shall appoint a list of all the *praveni* or *maruwena pangus* held by such proprietors, with an enumeration of the services in detail of the *praveni pangus,* setting forth the names (so far as the same can be ascertained) of the proprietors and holders, and the nature and extent of the services due for each *praveni pangu* :

Provided that it shall be lawful for any proprietor, instead of producing or transmitting such lists, to state verbally to such commissioners the particulars of his claim ; and it shall be the duty of such commissioners thereupon to take down in writing such particulars, and to require such person to sign the same, or in case of inability, the same shall be signed by the commissioner by whom such claim has been reduced to writing.

Notice by commissioners that they will inquire into claims, and calling upon all parties interested to appear.

8. It shall be the duty of the commissioners, within a reasonable time after the expiration of the time fixed in such notice for the receipt of the lists from the *wiharagama, dewalagama,* and *nindagama* proprietors, to cause further notice to be published in such village of their intention to inquire, on a day to be named in such notice, into the nature of the tenure of each *pangu*

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therein subject to service, whether it be *praveni* or *maruwena*, and into all claims for services in respect of the *praveni pangus* in such village, and calling upon all proprietors and *nilakarayas* and persons claiming interest in the *pangus* in such village, for or in respect of which services may be due, whether as *praveni nilakarayas* or by *maruwena nilakarayas*, to appear before them at the place and on the day and days named in such notice, with a view to such inquiry. It shall further be the duty of the commissioners to cause personal notice to be served on all proprietors and *nilakarayas* of such intention, and if personal notice cannot be served owing to the absence of any of them from such village or district, then to cause notice to be left at the known place of abode, and, if practicable, with some adult member of his family. The commissioners shall also serve on the holders of each *pangu*, with such notice, a copy of particulars touching such *pangu* furnished by the proprietors and headmen.

Personal notice.

9. On the day appointed in such notice the commissioners shall enter into their inquiries, and shall then, or on such other early day as they shall then and there from time to time publicly appoint, hear, try, and determine as follows :—

Commissioners to inquire into claims.

(*a*) the tenure of each *pangu* subject to service in the village, whether it be *praveni* or *maruwena* ;

(*b*) the names, so far as the same can be ascertained, of the proprietors and holders of each *praveni pangu* ;

(*c*) the nature and extent of the services due for each *praveni pangu* ;

(*d*) the annual amount of money payment for which such services may be fairly commuted at the time the registries are made.

And their determination shall be final and conclusive in that or any future proceeding, whether before the said commissioners or any other judicial tribunal, as to the tenure of the *pangus* in such village, whether it be *praveni* or *maruwena*, the nature of the service

Their determination shall be final.

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due for and in respect of each *praveni pangu,* and the annual amount of money payment for which the services due for each *praveni pangu* may be fairly commuted at the time those registries are made.

Registries of claims.

10. So soon as the commissioners shall complete their inquiry into the claims in any village, they shall cause to be numbered and entered in a book of registry a list of *praveni pangus* in such village, and shall further cause to be entered the names, so far as the same can be ascertained, of the proprietors and tenants of each *pangu,* the nature and extent of the services due for such *pangu,* and the annual amount of money payment for which such services may be fairly commuted at the time the registry is made, and shall duly sign such registry and transmit the same to the kachcheri of the district.

Inspection and certified copies.

11. It shall be the duty of the Government Agent to cause all these registries to be safely kept and preserved in such kachcheri, and to grant inspection and certified copies thereof on the application (written on a stamp of one rupee) of parties interested in such inquiry ; and registries and certified copies, signed by the Government Agent, shall form thereafter the best evidence of the tenure of each *pangu,* of the nature and extent of the services due for such *pangu,* and the annual amount of money payment for which such services may be fairly commuted at the time the registry is made.

Joinder of all the proprietors and holders not necessary.

12. It shall not be necessary for the validity of any proceeding for the investigation and settlement of claims under this Ordinance that all the holders and all the proprietors shall have joined or should be named therein. The finding of the commissioners shall be binding and conclusive as respects only the services due for and in respect of the *pangu* and the money value of such services, but shall not affect the liability of holders to perform service as between themselves, or the right of proprietors as between themselves to exact such services or their value, in case the services shall have been declared commuted.

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13. It shall be lawful for the commissioners in defining the services to limit the time and area within which personal services may be exacted, and an entry of such limitation when made shall in all cases be entered in the registry.

Commissioners may limit time and area within which service is to be rendered.

PART III

COMMUTATION

14. If any *praveni nilakaraya* shall be desirous of commuting any service as aforesaid for a money payment, he shall, during the pendency of the commission (and the commission shall be held to be pending until the Governor-General[3] shall declare it to be at an end by notice in the Gazette), transmit to the commissioners, and, after the close of the commission, to the Government Agent of the district in which the *praveni pangu* is situated, an application in writing to that effect, which application shall set forth the name of the party making it, the name and number of the *pangu* in respect of which such service may be due, and the name of the village in which the same is situated. If there be more than one *praveni nilakaraya* in any *praveni pangu,* the application to commute must be made or acquiesced in by a majority of the entire number of *nilakarayas* who shall have attained the age of sixteen years. The commissioners or the Government Agent to whom such application shall be made shall issue a notice to the proprietor of the *pangu,* informing him that, on a day to be named in such notice, the application will be considered and determined upon. A copy of the application must be served with the notice.

Application to commute to be made to commissioners pending commission, or to the Government Agent at close of commission.

15. On the returnable day of the said notice, the commissioners or Government Agent to whom such application shall be made shall proceed summarily to ascertain whether the *nilakarayas* of the *pangu* who shall have attained the age of sixteen years have all joined or acquiesced in the application and (if three years shall have expired since the date of the registry of the *pangu*) whether the services may still be fairly

The commissioners or Government Agent to ascertain summarily whether all *nilakarayas* have joined, and the value of the services.

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commuted at the amount fixed in the registry, or whether they have risen or fallen in value, and to what extent. Having satisfied themselves or himself on this point, they shall proceed to order that the services for and in respect of the land shall stand commuted (if three years shall not have expired since the date of the registry) for the annual money payment appearing in such registry, or (if three years shall have expired since such date) for the same or such other sum as the said commissioners or Government Agent may consider just or reasonable. The order so made under this section shall be final and conclusive and binding upon all the proprietors and *nilakarayas* (even though they may not be parties to the application, in that or any future proceeding, whether before the said commissioners, Government Agent, or any judicial tribunal), as to the liability of the *nilakarayas* to pay commuted dues and not to render services for such *pangu* ; and all right to service from the *nilakarayas* of such *pangu* shall thereupon for ever cease and be at an end, and the said *nilakarayas* shall be thenceforth liable to pay to the proprietors, in equal half-yearly instalments, the dates whereof shall be fixed by the commissioners or court, the annual amount of money payment due for and in respect of the said services ; and such commuted dues shall thenceforth be deemed to be a head rent due to the proprietor for and in respect of the *pangu,* and shall be recoverable in the manner hereinafter prescribed.

Order to commute and for the sum named shall be final.

Commuted dues to be thenceforth deemed head rent.

16. The commissioners (if the commission shall be still pending), or (if the commutation shall be ordered by the Government Agent) the Government Agent, shall make an entry of the commutation, and of the terms thereof, in the registers of the commission ; and the Government Agent shall allow inspection of such entries and certified copies thereof, on the application (written on a stamped paper of one rupee) of parties interested therein, and such entries or certified copies thereof shall form thereafter the best evidence of the liability of the *nilakarayas* of the said *pangu* to pay commuted dues, and not to render services for such *pangu.*

Entry of commutation in registries.

Inspection, entries, and certified copies of registries.

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Provision for the payment of tithe to Government, where such tithe is due for any *pangu* commuted.

17. No commutation of any *nindagama pangu*, liable to pay tithe to Government, shall have the effect of relieving the *pangu* from its liability for such tithe as a primary charge thereof :

Provided always, that no *praveni nilakarayas* shall be liable to pay both tithe to the Government and the whole of the commuted dues to the proprietor ; and

Provided also that in cases in which the service and the tithe have both been commuted, it shall be competent to the *nindagama* proprietor, should he desire to do so, to transfer to the holder the payment of the tithe to Government, retaining only the difference, if any, between the commuted tithe and the commuted services.

PART IV

General Provisions

Commissioners, and Government Agent to be guided by equity, and not bound by the strict rules of law ; and may examine the parties on oath.

18. In the execution of the powers vested in such commissioners or the Government Agent by virtue of this Ordinance, they shall be guided by equity and good conscience only, and by the best evidence that can or may be procured, although not such as would be required or be admissible in ordinary cases ; nor shall they be bound by the strict rules of law in any case, or by any technicalities or legal forms whatever ; and it shall be lawful for the said commissioners or Government Agent, if they think proper, to examine on oath the parties, or any of them, making or opposing any claim investigated or inquired into by such commissioners, touching any of the matters in dispute.

Commissioners, &c., to have powers to summon witnesses.

19. It shall be lawful to and for the said commissioners and Government Agent from time to time, as they shall see occasion, by any writing under their hands, to summon and require any person to appear before them at any time and place in such writing to be appointed, to testify the truth touching any claim

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or any matter in dispute between any proprietors and tenants, or otherwise, relating to the execution of the powers given by this Ordinance, and to produce in evidence all deeds, instruments, surveys, or writings in the possession or control of any such person, in so far as the same shall be necessary for the due investigation of any such claim or dispute or for enabling the said commissioners and Government Agent duly to execute the powers given by this Ordinance ; and to cause a copy of such writing to be served on such person required to give evidence, or to produce such deeds, instruments, surveys, or writings, or to be left at his usual and last place of abode ; and every person so summoned who shall not appear before such commissioners or Government Agent pursuant to such summons (without assigning some reasonable excuse for not appearing) or appearing shall without sufficient cause refuse to be sworn or examined on oath (which such commissioners or Government Agent are hereby empowered and required to administer), or shall without sufficient cause refuse or wilfully neglect to produce any such deeds, instruments, surveys, or writings, shall for every such neglect or refusal forfeit and pay such sum of money not exceeding fifty rupees as such commissioners or Government Agent shall think fit and order ; and it shall be lawful for the commissioners or Government Agent in such order to direct payment of any such fine to be made into the Magistrate's Court of the district in which such person resides ; and if payment should not be made as directed the said Magistrate's Court shall proceed to enforce the same, and the charges relating to the recovery thereof, and to deal with the person liable to make the same in such manner as if the said fine had been imposed by such court.

Penalty for not obeying the summons.

20. All evidence given before such commissioners or Government Agent shall be taken down in writing in presence of the witnesses respectively giving the same, and shall at the time of their examination be signed by them, or, in case of their refusal or inability to sign,

Evidence to be reduced to writing, and signed.

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by the commissioner or Government Agent by whom the same has been reduced to writing ; and if any person shall in any examination, affidavit, or deposition to be had or taken in pursuance of this Ordinance before any such commissioners or Government Agent, knowingly and wilfully swear to any matter or thing which shall be false, every such person so offending shall be deemed guilty of the offence of giving false evidence in a judicial proceeding, and shall on conviction suffer the like pains and penalties as persons guilty of intentionally giving false evidence in a judicial proceeding are now subject and liable to.

Persons swearing falsely to be deemed guilty of giving false evidence.

21. All notices required to be given under this Ordinance shall be published in the village referred to in them by beat of tom-tom, once or oftener, by the affixing of copies on some conspicuous place in the village, and on the walls of the nearest kachcheri and court-house, by being proclaimed once or oftener in the presence of the suitors and others in the court, and by such other means as may secure the greatest publicity thereto. If the notice is directed to any proprietor or *nilakaraya,* it shall be served personally, or, if personal service cannot be secured, by affixing the same to his last known place of abode.

Notices how published.

22. It shall be lawful to the commissioners to adjourn their sittings and inquiries once or oftener if necessary.

Adjournments.

23. Any person aggrieved with the determination of the commissioners under section 9, or of the commissioners or Agent under section 15, shall be entitled to apply to the Governor-General[3] for relief at any time within one month after such determination shall be made known to him. It shall be lawful for the Governor-General,[3] upon such application, to confirm the determination of the commissioners or Agent, or to alter or modify the same as to him shall appear right,

Aggrieved persons may apply to the Governor-General for relief.

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and to cause his decision to be entered in the register, and such decision, so entered, shall be deemed the determination as respects the *pangu* to which it relates.

Arrears of personal services prescribed in a year. Arrears of commuted dues in two years. If no services rendered or commutation paid for ten years, right to claim services or dues lost for ever.

24. Arrears of personal services in cases where the *praveni nilakaraya* shall not have commuted shall not be recoverable for any period beyond a year ; arrears of commuted dues, where the *praveni nilakaraya* shall have commuted, shall not be recoverable for any period beyond two years. If no services shall have been rendered, and no commuted dues be paid for ten years, and no action shall have been brought therefor, the right to claim services or commuted dues shall be deemed to have been lost for ever, and the *pangu* shall be deemed free thereafter from any liability on the part of the *nilakarayas* to render services or pay commuted dues therefor :

Saving in case of absence or disability.

Provided, however, that if at the time of such right of action accruing the proprietor shall not be resident within Ceylon, or if by reason of his minority or insanity he shall be disabled from instituting such action, the period of prescription of such action shall begin to run, in every such case, from the time when such absence or disability shall have ceased.

Remedy of proprietor against tenant neglecting to render services, or to pay commutation.

25. It shall be lawful for any proprietor to recover damages in any competent court against the holder or holders of any *praveni pangu* who shall not have commuted, and who shall have failed to render the services defined in the registry herein before referred to. In assessing such damages, it shall be competent for the court to award not only the sum for which the services shall have been assessed by the commissioners for the purpose of perpetual commutation, but such further sum as it shall consider fair and reasonable to cover the actual damages sustained by the proprietor through the default of the *nilakaraya* or *nilakarayas* to render such personal services at the time when they were due ; but it shall not be lawful for any proprietor to proceed to ejectment against his *praveni nilakaraya* for default of performing services or paying commuted

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dues ; the value of those services or dues shall be recoverable against such *nilakaraya* by seizure and sale of the crop of fruits on the *pangu,* or failing these, by the personal property of such *nilakaraya,* or failing both, by a sale of the *pangu,* subject to the personal services, or commuted dues in lieu thereof, due thereon to the proprietor. The proceeds of such sale are to be applied in payment of the amount due to the proprietor, and the balance, if any, shall be paid to the evicted *nilakarayas,* unless there should be any puisne incumbrance upon the holding, in which case such balance shall be applied to satisfy such incumbrance.

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CHAPTER 468

REGISTRATION OF TEMPLE LANDS

Ordinance No. 10 of 1856.

AN ORDINANCE TO PROVIDE FOR THE SETTLEMENT OF CLAIMS TO EXEMPTION FROM TAXATION OF TEMPLE LANDS IN THE KANDYAN PROVINCES AND FOR THE DUE REGISTRATION OF ALL LANDS BELONGING TO SUCH TEMPLES.

[*1st January, 1857.*]

Short title.

1. This Ordinance may be cited as the Temple Lands Registration Ordinance.

Power to appoint commissioners to carry the Ordinance into effect.

2. From the time when this Ordinance shall commence and take effect there shall be within Ceylon one or more person or persons, not exceeding three in number, appointed as [3] the commissioner or commissioners for carrying into effect the provisions of this Ordinance and for executing the several powers hereby conferred upon them. [3]

Commissioners to take oath of office.

3. Every such commissioner shall, before proceeding to execute the duties imposed on him by this Ordinance, take and subscribe before some Justice of the Peace the oath following:—

> I, *A. B.*, do swear that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute and perform the several trusts, powers, and authorities vested and reposed in me as a Commissioner by virtue of the Temple Lands Registration Ordinance, according to equity and good conscience, and without favour or affection, prejudice or partiality, to any person or persons whomsoever. And I do further swear that I will not directly or indirectly receive or knowingly permit any other person to receive any fee or reward for anything done or to be done under the said Ordinance, excepting only such as the said Ordinance appoints or authorizes. So help me God.

Oaths to be enrolled in the Supreme Court.

Which oath so taken and subscribed by each commissioner shall be enrolled in the Supreme Court.

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Commissioner not to be purchaser of land.

4. No such commissioner shall be capable whilst holding such commission, of being a purchaser, either in his own name or in the name or names of any person or persons, of any lands within any part of Ceylon to which the provisions of this Ordinance extend.

Power to appoint clerk and other officers and to make rules for giving effect to the Ordinance.

5. There may be appointed[3] a clerk to the said commissioners, and such other ministerial officers as[3] may appear necessary for enabling such commissioners duly to execute the provisions of this Ordinance; and it shall be lawful for the Minister[3] from time to time to frame and establish such regulations as to him may appear necessary for carrying into effect the several provisions of this Ordinance:

Provided such regulations shall not be repugnant to or inconsistent with this Ordinance.[3]

Time and place of the sittings of the commissioners, how appointed and notified. Proceedings of commissioners in the investigation of claims, &c., to be with open doors.

6. The commissioners appointed by virtue of this Ordinance shall hold their sittings at any such place and at such times as shall from time to time be appointed by them, and as shall be found convenient and necessary for the despatch of business; and public notice in writing under the hand of such commissioners of the place and time so to be appointed shall be given by publication in the Gazette, and in such other manner as such commissioners shall direct and as may appear best adapted for giving publicity thereto; and the proceedings of the said commissioners in the investigation of any claims or the settlement of any disputes, in virtue of the provisions of this Ordinance, shall be carried on and the decisions and orders of such commissioners shall be pronounced and declared with open doors.

Commissioners to inquire into, ascertain, and set out the boundaries of temple lands in the Kandyan provinces.

7. So soon as this Ordinance shall come into operation the commissioners appointed by virtue thereof shall and they are hereby authorized and required to inquire into the boundaries of all lands, of whatsoever description the same may be, belonging or alleged to belong to or in the possession of all *wihares* and *dewales* within any district of the Kandyan provinces, to which the

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privilege of exemption from taxation of temple lands extends ; and in case it shall appear to such commissioners that the boundaries of the same respectively are not sufficiently ascertained and distinguished, such commissioners shall and they are hereby authorized and required to ascertain, determine, set out, and fix the same respectively ; and after the said boundaries shall be so ascertained, determined, set out, and fixed, the same shall and are hereby declared to be the boundaries of such lands respectively, so far as regards any question between such temples and Her Majesty's Government, touching any claim to exemption from taxation, or touching the boundaries or extent of any lands whatsoever claimed by any such temple :

Before doing so three weeks' public notice of their intention to be given.

Provided always that before such commissioners proceed to ascertain and set out such boundaries, they shall and are hereby required to give public notice by writing under their hands in the English and Sinhalese languages, to be fixed in the most public places in the district within which such lands are situated ; and also by writing to be delivered to or left at the last or usual places of abode of the persons in charge of the temples to which such lands are alleged to belong, three weeks at least before the time of setting out such boundaries, of their intention to ascertain, determine, set out, and fix the same respectively.

So soon as such public notice is given, persons claiming lands on behalf of temples to lodge with commissioners a schedule of such claims.

8. So soon as public notice shall have been given by such commissioners of their intention to ascertain, determine, set out, and fix the boundaries of all temple lands as aforesaid, within any district or village, all persons who shall have or claim to have any right to or in any lands situated within such district or village, belonging or alleged to belong to any *wihare* or *dewale*, shall deliver or transmit to such commissioners, within such time as they shall appoint for that purpose, a schedule in writing signed by the person having charge of the revenues of the temple to which such lands are alleged to belong, which schedule shall be as near as is material in the form following :—

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Form of claim

Description of the land ..	A tract of paddy land, with a chena adjoining (*or* a tract of forest land, *or as the case may be*), situated in the village of ———— in ————, and known by the name of ————.
Boundaries and computed extent of the land	Bounded north by ————, &c., &c., and computed to contain ————.
Name and situation of the temple to which the land is alleged to belong	
In what right the claim is made	In right of a *sannas* dated ———— (*or as the case may be*).
Name and residence of the priest or other person in charge of such land	(*Signed*) *A. B.*, residing in the village of ————.

Instead of giving in a written claim, parties may appear before the commissioners and state the same verbally. Such verbal statements are to be recorded and signed.

9. Provided that it shall and may be lawful for any such person, instead of delivering to such commissioners such schedule as aforesaid, to appear in person before such commissioners within such time as may be allowed for that purpose, and to state verbally to such commissioners the particulars of his claim required to be stated in such schedule ; and it shall be the duty of such commissioners, or one of them, thereupon to take down in writing, in the form required by the preceding section, the particulars of such claim, and to require such person to sign the same, or, in case of inability, the same shall be signed by the commissioners by whom such claim has been reduced to writing.

Claims to be open to the inspection of all persons interested.

10. All the said claims (whether delivered by the claimants to such commissioners, or by them reduced into writing) shall at all reasonable times, until after the commissioners have made registration of the lands claimed as hereinafter provided, be open to the inspection and perusal of all parties interested or claiming to be interested in the premises, their respective attorneys or agents, who may take copies thereof or extracts therefrom respectively ; and if any person interested or claiming to be interested in the premises shall have any objection to offer to any such claim, the particulars of such objection shall be reduced into writing and signed by him, and shall be delivered to the said commissioners at or before some meeting of such commissioners, to be by them appointed for that

Proceedings if claim objected to.

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purpose ; or such objections shall be verbally stated at any such meeting to such commissioners, and by them reduced into writing and signed by the party objecting, or in case of his inability to sign, by the commissioner by whom such objection has been reduced into writing ; and no such objection as aforesaid shall afterwards be received unless for some legal disability, or special cause to be allowed by the said commissioners.

Commissioners to decide questions of exemption from taxation, and boundaries of temple lands.

11. It shall be lawful for such commissioners and they are hereby required to inquire and determine the right and title of any such temple to exemption from taxation in respect of any lands alleged to belong thereunto, and what are the true and proper boundaries, name, and description of the lands belonging to any such temple ; but nothing herein contained shall authorize such commissioners to hear and determine any difference or dispute between any such temple and any person (except differences or disputes between such temple and Our Lady the Queen) touching the right or title to any land of any such person ; or to determine any question as to the validity or legal effect and construction of any grant, conveyance, mortgage, or other instrument, in virtue of which any such person claims to be entitled to such property :

Disputes between temple and private persons not to delay the commissioners.

Provided, however, that no such difference or dispute and that no such question as aforesaid shall impede or delay the commissioners in the execution of the powers vested in them by this Ordinance ; but the claims to exemption from taxation shall be inquired into and determined, the boundaries of such temple lands shall be set out, the survey hereinafter mentioned shall be proceeded in, and the register of such lands shall be made, notwithstanding such difference, dispute, or questions.

Instruments dated prior to 1st February, 1840, produced to the commissioners to be copied, and copies filed in District Court.

12. If any person claiming on behalf of any such temple any land situated in Ceylon in virtue of any grant, *sannas,* or other instrument made and executed prior to the 1st day of February, 1840, and of which no public registry exists, shall produce to the said commissioners the grant, *sannas,* or other instrument in virtue of which such person claims the said property or part thereof, or any right or interest therein, the

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said commissioners shall, and they are hereby required to examine and inquire strictly into the genuineness and authenticity of such grant, *sannas*, or other instrument, and if they shall be satisfied that the same is genuine they shall cause a true copy thereof to be made and certified under their hands, and to be then delivered to the secretary of the proper District Court, to be by him preserved in the District Court, in like manner as the duplicates of other deeds affecting land ; and no such grant, *sannas*, or other instrument dated prior to the said 1st day of February, 1840, and of which no public registry exists, which shall not have been produced to such commissioners in manner above mentioned, on or before the day on which the lands mentioned or described in such instrument shall have been registered as hereinafter provided, and of which a certified copy shall not have been forwarded to the District Court for the purpose aforesaid, shall after such registration be admitted in any court as evidence of the title of such temple to the lands therein mentioned or referred to, in any suit with the Crown touching the right to such lands, or to exemption from taxation in respect thereof.

No such instrument, not produced, to be afterwards received in evidence.

13. In the execution of the powers vested in such commissioners by virtue of this Ordinance they shall be guided by equity and good conscience only, and by the best evidence that can or may be procured, although not such as would be required or be admissible of ordinary cases ; nor shall they be bound by the strict rules of law in any case, or by any technicalities or legal forms whatever ; and it shall be lawful for the said commissioners, if they think proper, to examine on oath the parties, or any of them making or opposing any claim investigated or inquired into by such commissioners, touching any of the matters in dispute.

Commissioners to be guided by equity, and not bound by the strict rules of law ;

and may examine the parties on oath.

14. It shall be lawful to and for the said commissioners from time to time, as they shall see occasion, by any writing under their hands, to summon and require any person to appear before them at any time and place

Commissioners to have power to summon witnesses.

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in such writing to be appointed, to testify the truth touching any claim or any matter in dispute between any proprietors or interested persons, or otherwise relating to the execution of the powers given by this Ordinance, and to produce in evidence all deeds, instruments, surveys, or writings in the possession or control of any such person, in so far as the same shall be necessary for the due investigation of any such claim or dispute, or for enabling the said commissioners duly to execute the powers given by this Ordinance; and to cause a copy of such writing to be served on such person required to give evidence or to produce such deeds, instruments, surveys, or writings, or to be left at his usual or last place of abode; and every person so summoned who shall not appear before such commissioners pursuant to such summons (without assigning some reasonable excuse for not appearing), or appearing shall without sufficient cause refuse to be sworn or examined on oath (which oath such commissioners are hereby empowered and required to administer), or shall without sufficient cause refuse or wilfully neglect to produce any such deeds, instruments, surveys, or writings, shall for every such neglect or refusal forfeit and pay such sum of money, not exceeding fifty rupees, as such commissioners shall think fit and order; and it shall be lawful for the commissioners in such order to direct payment of any such fine to be made into the Magistrate's Court of the district in which such person resides; and if payment shall not be made as directed the said Magistrate's Court shall proceed to enforce the same and the charges relating to the recovery thereof, and to deal with the person liable to make the same in such manner as if the said fine had been imposed by such court.

Penalty for not obeying the summons.

Fine how recovered.

Witness not bound to travel more than ten miles.

15. Provided that no witness summoned to attend before such commissioners shall be bound or obliged to travel more than ten miles from his usual place of abode for the purpose of such attendance.

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Evidence to be reduced to writing and signed.

16. All evidence given before such commissioners shall be taken down in writing in presence of the witnesses respectively giving the same, and shall at the time of their examination be signed by them, or in case of their refusal or inability to sign, by the commissioner by whom the same has been reduced to writing ; and if any person shall in any examination, affidavit or deposition to be had or taken in pursuance of this Ordinance before any such commissioners, knowingly and wilfully swear any matter or thing which shall be false, every such person so offending shall, on conviction thereof before any competent court, be deemed guilty of giving false evidence in a judicial proceeding, and shall suffer the like pains and penalties as persons guilty of intentionally giving false evidence in a judicial proceeding are now subject and liable to.

Persons swearing falsely to be deemed guilty of giving false evidence.

Commissioners may order witnesses residing at a distance, or unable to attend, to be examined on oath by Justice of the Peace.

17. In case any party or any witness shall reside at a greater distance than ten miles from the place where the sittings of any such commissioners are appointed to be holden, or if any such person shall by reason of age, sickness, or infirmity be unable to travel, it shall be lawful for such commissioners to order by writing under their hands that such person shall be examined and cross-examined, upon oath, before any Justice of the Peace to be named in such order, as to any matter concerning which such commissioners require to be informed ; and all Justices of the Peace in Ceylon are hereby authorized and required, upon the receipt of any such order, to summon such person before him and to examine him upon oath, and to transmit such examination under his hand to the said commissioners.

Duties of such Justices of the Peace.

Commissioners may order the person in charge of any temple land to put up land marks.

18. It shall be lawful for such commissioners, whenever they shall see occasion, by writing under their hand, to order and direct the person in charge of any temple land, the boundaries of which have been ascertained and set out by such commissioners under the provisions of this Ordinance, to put up or make such fences, ditches, mounds, or other marks on the

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On failure or refusal commissioners may have them erected, and recover double the cost of erection.

land of such description and at such places as to such commissioners shall appear necessary; and if any person shall refuse or neglect to put up or make such landmarks, and at such places as the said commissioners shall have ordered, within one month from the date of such order, it shall be lawful for such commissioners to cause such landmarks to be put up or made, and to recover from such person twice the amount of the costs necessarily incurred therein and the said costs shall be recovered in like manner as any fine imposed on any witness under section 14 of this Ordinance.

Penalty for removing or destroying landmark.

19. Every person who shall wilfully remove, destroy, or efface, or attempt to remove, destroy, or efface, any landmark which shall have been put up or made under the authority and for the purposes of this Ordinance, shall be guilty of an offence, and be liable on conviction thereof in any competent court to a fine not exceeding five hundred rupees, or to imprisonment, with or without hard labour, for any period not exceeding one year.

Commissioners to draw up a registry of lands.

20. So soon as conveniently may be after the said commissioners shall have ascertained and set out the boundaries of all lands belonging to any such temples within any district, or within any convenient subdivision of a district, or within any village, as the case may be, such commissioners shall form and draw up, or cause to be formed and drawn up, a register thereof, which shall be in the form A in the Schedule, and shall express the situation, description, and name of the several lands registered; the name and situation of the temple to which the same belong; the boundaries, so far as the same can be described by existing landmarks; the extent, so far as the same is known; the names of the adjoining properties, or if they have no names, the names of the adjoining proprietors or occupiers; and the dates and description of any deeds or instruments produced to such commissioners relative to such property:

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Provided, however, that it shall be lawful for the Governor-General to direct that the said registry shall be kept according to such other form, or shall contain such other or such additional information as may be found expedient.

Commissioners to grant certificates of registration.

21. The said commissioners shall, at the request of the person in charge of the revenues of any such temple, grant and deliver to him a certificate under their hands, in the form B in the Schedule, that the lands therein named or described have been registered as the property of such temple; and such certificate shall be sufficient proof of the exemption of such lands from taxation, and no other proof of exemption shall in any case be admitted or received in any court.

Register to be preserved in the kachcheri.

22. The said register shall be preserved in the office of the Government Agent of the administrative district in which such lands shall be situated, to the end that recourse may be had thereto by any person interested therein, for the inspection or perusal thereof; and the said register and the several matters and things therein mentioned and contained shall to all intents and purposes be binding and conclusive upon and against Her Majesty and any temple concerned or interested in the same, or in any of the lands therein registered as aforesaid; and any map or plan which shall be made in virtue of the provisions of this Ordinance, the better to describe the properties mentioned in such register, shall be deposited with such register in the office of such Government Agent, and shall be deemed and construed in every respect as and for part of the said register.

Map of the lands to be deposited with the register in the kachcheri.

Commissioners to cause survey and plan to be made.

23. So soon as conveniently may be after such commissioners shall have ascertained and set out the boundaries of all such temple lands within any district or subdivision of a district, or village, as aforesaid, they shall give notice thereof in writing to the

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Surveyor-General, who shall cause a true and particular survey, admeasurement, and plan of all such lands to be made and reduced into writing, by such person as he shall nominate and appoint; and the number of acres or decimal parts of an acre contained in all the lands so surveyed, and of each particular tract of paddy fields, chena, forest, or other allotment therein contained at the time of making such survey and admeasurement, shall be therein set forth and specified; and such plan shall be delivered to such commissioners to be by them deposited with the register in the office of the Government Agent as aforesaid.

Expenses of the survey how paid.

24. Subject to the limitations and exceptions hereinafter contained, one moiety of the expense of making such survey, admeasurement, and plan shall be defrayed by the person in charge of the lands surveyed, and shall be a charge upon such lands, and the other moiety of such expense shall be defrayed out of the Treasury.

Temple not liable for expenses of survey if it possesses an authenticated plan and there is no dispute as to boundaries.

25. If the person in charge of any temple land shall have in his possession and shall produce to such commissioners, prior to such survey being made, a plan of such land, authenticated by the Surveyor-General of Ceylon, and if it shall not be necessary in the opinion of such commissioners for the settlement of any dispute respecting the boundaries of such land that the same should be surveyed, then and in such case the expense of any survey of such land which may be made under the authority and for the purposes of this Ordinance shall be defrayed out of the Treasury.

Powers of the commissioners may be exercised by any one of them.

26. All the powers and duties hereby vested in or imposed upon such commissioners shall and may be exercised and discharged by any one of such commissioners.

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Penalty for obstructing commissioners or surveyor.

27. The said commissioners, surveyors, and all persons acting under their orders, shall at all times be entitled to enter upon the lands of any person or body corporate, for the purpose of ascertaining any boundaries, or putting up any landmarks, or making any survey, or for any other purpose contemplated by this Ordinance ; and any person who shall wilfully resist, obstruct, hinder, or molest, and any person who shall incite, procure, or assist any other to resist, obstruct, hinder, or molest any commissioner, surveyor, or other person acting in the discharge of any duty or the performance of any act which they or any of them shall be authorized or required to perform under any of the provisions of this Ordinance, shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, for any period not exceeding three months.

SCHEDULE

Form A

REGISTER OF TEMPLE LANDS, KANDYAN PROVINCES [Section 20.]

————Korale. District of ————.

Letter :————. Page :————.

Name and Situation of Temple	Name of person in Charge	Property					Description of Deeds produced
		Name and Description	Situation	Boundaries	Estimated Extent	Name of adjoining Properties or Proprietors	

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Form B

[Section 21.]

CERTIFICATE OF REGISTRATION

We, the undersigned Commissioners appointed under the Temple Lands Registration Ordinance, hereby certify that the following lands have been registered by us under the provisions of the said Ordinance, as the property of the ———temple, at———, in the District of———.

Description of Land	Name	Reference to Register

Given under our hands at ——— this ——— day of ———, 19——.

———

(*Signatures of Commissioners*).

———

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CHAPTER 469

FAUNA AND FLORA PROTECTION

AN ORDINANCE TO PROVIDE FOR THE PROTECTION OF THE FAUNA AND FLORA OF CEYLON.

Ordinances Nos. 2 of 1937, 31 of 1942, 12 of 1944, 12 of 1945, *Act* No. 38 of 1949.

[*1st March, 1938.*]

Short title.

1. This Ordinance may be cited as the Fauna and Flora Protection Ordinance.

PART I

NATIONAL RESERVES AND SANCTUARIES

Constitution of National Reserves, Strict Natural Reserves, National Parks, Intermediate Zones, and Sanctuaries.

2. (1) The Minister[s] may by Order[s] published in the Gazette declare that any specified area of Crown land shall for the purposes of this Ordinance be a National Reserve and may by that Order[s] or by any Order[s] subsequently published in the Gazette declare that the whole or any specified part of any such National Reserve shall be—

(*a*) a Strict Natural Reserve ; or

(*b*) a National Park ; or

(*c*) an Intermediate Zone.

(2) The Minister[s] may by Order[s] published in the Gazette declare that any specified area of land within Ceylon (other than land declared to be a National Reserve) shall be a Sanctuary for the purposes of this Ordinance.

(3) An area declared to be a Sanctuary may include both Crown land and land other than Crown land.

(4) The Minister[s] may by Order[s] published in the Gazette declare that from a specified date—

(*a*) the limits of any National Reserve, Strict Natural Reserve, National Park, Intermediate Zone or Sanctuary shall be altered or varied ;

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(*b*) any National Reserve or part thereof shall cease to be a National Reserve ;

(*c*) any Sanctuary or part thereof shall cease to be a Sanctuary ;

(*d*) that a National Reserve of one class shall be a National Reserve of another class.

Essential features of — Strict Natural Reserves.

3. (1) Save as hereinafter provided—

(*a*) no person shall be entitled to enter any Strict Natural Reserve or in any way to disturb the fauna and flora therein ;

National Parks.

(*b*) no person shall be entitled to enter any National Park except for the purpose of observing the fauna and flora therein ;

Strict Natural Reserves and National Parks.

(*c*) no animal shall be hunted, killed or taken and no plant shall be damaged, collected, or destroyed, in a Strict Natural Reserve or in a National Park ;

Sanctuaries.

(*d*) no person shall hunt, shoot, kill or take any wild animal in any Sanctuary.

Intermediate Zones.

(2) Any person shall be entitled, subject to such conditions and restrictions as may be prescribed, to enter any Intermediate Zone and to hunt, shoot, kill or take any wild animal therein.

Restriction of entry into Strict Natural Reserves.

4. (1) No person other than the Warden shall enter or remain within any Strict Natural Reserve except—

(*a*) for the purpose of discharging any official duty on the instructions or with the written permission of the Warden ; or

(*b*) under the authority and in accordance with the conditions of a written permit from the Warden.

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(2) A permit under subsection (1) (*b*) shall be issued only for the purpose of authorizing scientific research.

Restriction of entry into National Parks.

5. (1) No person shall enter or remain within any National Park except under the authority and in accordance with the conditions of a permit issued by the prescribed officer on payment of the prescribed fee.

(2) A permit under subsection (1) shall be issued only for the purpose of enabling the permit-holder to study or observe the fauna and flora in a National Park.

(3) If no fee is prescribed for the issue of a permit under subsection (1), such permit shall be issued free of charge.

Acts prohibited in Strict Natural Reserves and National Parks.

6. (1) No person shall in a Strict Natural Reserve or in a National Park—

(*a*) hunt, shoot, kill or take any wild animal ; or

(*b*) take or destroy any egg of any bird or reptile, or any nest of any bird ; or

(*c*) fire any gun or do any other act which disturbs or is likely to disturb any wild animal or do any act which interferes or is likely to interfere with the breeding place of any such animal ; or

(*d*) fell, girdle, lop, tap, burn or in any way damage or destroy any plant, or take, collect, or remove any plant therefrom ; or

(*e*) clear or break up any land for cultivation, mining or for any other purpose ; or

(*f*) kindle or carry any fire ; or

(*g*) possess or use any trap or any explosive or poisonous substance capable of being used for the purpose of injuring or destroying any animal or plant.

(2) No person shall introduce any animal into any Strict Natural Reserve or National Park or tether, liberate or release any animal therein :

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Provided, however, that the Warden or the prescribed officer may, when he issues a permit under section 4 or section 5 to any person, authorize that person by such permit to introduce into any Strict Natural Reserve or National Park, and to tether therein, any animal which in the opinion of the Warden or of such officer, as the case may be, is required by that person solely for the purpose of carrying that person or his goods or of drawing any vehicle.

Acts regulated in Intermediate Zones and Sanctuaries.

7. (1) No person shall, except in accordance with regulations—

(*a*) enter any Intermediate Zone ; or

(*b*) in any Intermediate Zone or Sanctuary—

(i) fire any gun, or do any other act which disturbs or is likely to disturb any wild animal or do any act which interferes or is likely to interfere with the breeding place of any such animal ; or

(ii) hunt, shoot, kill, or take any wild animal ; or

(iii) take or destroy any egg of any bird or reptile or any nest of any bird ; or

(*c*) in any Intermediate Zone—

(i) fell, girdle, lop, tap, burn or in any way damage or destroy any plant, or take, collect, or remove any plant therefrom ; or

(ii) clear or break up any land for cultivation, mining or for any other purpose ; or

(iii) kindle or carry any fire ; or

(iv) possess or use any trap or any explosive or poisonous substance capable of being used for the purpose of injuring or destroying any animal or plant.

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(2) No person shall, except in accordance with regulations, introduce any animal into any Intermediate Zone or tether, liberate or release any animal therein.

Acts prohibited in vicinity of National Reserve. [§ 2, 38 of 1949.]

8. No person shall, from any road or other land adjoining a strict Natural Reserve, National Park or Intermediate Zone, hunt, shoot, kill or take any wild animal in such reserve, park or zone.

Special regulations for Part I.

9. Regulations may be made—

(*a*) prescribing the conditions and restrictions subject to which persons may be permitted to enter any Intermediate Zone or to hunt, shoot, kill or take any wild animal therein ;

(*b*) prescribing the circumstances and cases in which and the conditions and restrictions subject to which wild animals may be hunted, shot, killed or taken in a Sanctuary ;

(*c*) prescribing the conditions to be attached to any permit issued for the purposes of this Part of this Ordinance and the fees to be paid for the issue of such permits ;

(*d*) for the purpose of extending, with such modification as may be necessary, all or any of the provisions of Part II or of Part III of this Ordinance to any Intermediate Zone or Sanctuary ;

(*e*) for the purpose of extending, with such modification as may be necessary, all or any of the provisions of this Part of this Ordinance to any specified insect ;

(*f*) declaring that all or any of the provisions of this Part of this Ordinance shall not apply to any specified species of animal in any specified area.

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Offences and penalties under Part I.

10. Any person who acts in contravention of—

(*a*) any provision of this Part of this Ordinance ; or

(*b*) any regulation made under section 9 for any purpose set out in that section ; or

(*c*) any provision of Part II or Part III of this Ordinance which has by regulation been extended, with or without modification, to any Intermediate Zone or Sanctuary ; or

(*d*) any provision of this Part of this Ordinance which has by regulation been extended, with or without modification, to any specified insect,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

Interpretation of Part I.

11. In this Part of this Ordinance, unless the context otherwise requires—

"animal" means any vertebrate animal and includes a bird, fish, or reptile ;

"domestic animal" means—

(*a*) any head of cattle, or any sheep, goat, horse, ass, mule, dog, or cat ;

(*b*) any domestic fowl or other bird commonly reared by man as poultry ; and

(*c*) when domesticated by man, any elephant, buffalo, pig, deer, hare, rabbit, peacock, parrot, pigeon, or other animal ;

"plant" means any member of the vegetable kingdom and includes the seed or any other part of any plant ;

"wild animal" means any animal which is not a domestic animal.

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PART II

TUSKERS, ELEPHANTS, BUFFALOES, DEER, AND FOWL

Protection of tuskers, elephants, buffaloes, deer, and fowl in areas outside National Reserves and Sanctuaries.

12. (1) Save as is hereinafter provided, no person shall, in any area outside a National Reserve or a Sanctuary—

(*a*) shoot or kill any tusker ; or

(*b*) during the close season, hunt, shoot, kill, or take any deer or fowl ; or

(*c*) without a licence in that behalf from the Warden—

(i) hunt or take any tusker, or

(ii) hunt, shoot, kill or take any elephant or buffalo, or

(iii) at any time other than during the close season hunt, shoot, kill, or take any deer or fowl.

(2) A person permanently settled in a village area may within that area and at any time other than during the close season shoot or kill any deer without a licence for the purpose of providing food for consumption by himself or by any member of his family.

In this subsection, "village area" means an area declared by the Minister[1] to be a village area by notification in the Gazette.

(3) Every licence under subsection (1) shall be issued in the prescribed form on payment of the prescribed fee and shall continue in force for such period and within such limits and be subject to such conditions as the Warden may consider necessary or expedient to insert therein.

Declaration of areas in which damage by tuskers, elephants, buffaloes, or deer is apprehended.

13. (1) Whenever it appears to the Warden that in any area outside a National Reserve damage to any person or to any crop, plantation, or other property is likely to be caused by any tusker, elephant, buffalo, or deer, he may by notices affixed in conspicuous places within that area declare that area to be one within which damage by tuskers, elephants, buffaloes, or deer

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is apprehended and may issue a licence subject to such conditions as he may deem necessary or expedient, either free or on payment of the prescribed fee or of such fee not exceeding the prescribed fee as he may consider adequate, authorizing the licensee to hunt, shoot, kill, or take tuskers, elephants, buffaloes, or deer, as the case may be, within that area while the declaration is in force :

Provided, however, that nothing in this section shall be deemed to require any person residing or cultivating land in that area to obtain a licence to hunt, shoot, kill, or take tuskers, elephants, buffaloes, or deer, as the case may be, while the declaration is in force.

(2) Every declaration under subsection (1) shall be forthwith reported by the Warden to the Minister [1] and shall continue in force for a period of two months from the date of such declaration.

[§ 2, 12 of 1944.]

(3) The Minister [1] may by notification in the Gazette extend or restrict the period for which such declaration shall continue in force, or may otherwise vary or revoke such declaration, but without prejudice to anything done or suffered thereunder prior to the publication of such notification.

Killing and taking of tuskers, elephants, buffaloes, deer, and fowl without licence in prescribed cases.

14. (1) It shall be lawful for any person without a licence to shoot, kill or take any tusker, elephant, buffalo, deer or fowl which is found trespassing or attempting to trespass in or upon any cultivated land outside a National Reserve.

(2) The owner or person in charge of any cultivated land outside a National Reserve who has been unable to shoot or kill any tusker or elephant in the exercise of the rights conferred by subsection (1) may, after reporting the facts of the case to any police officer or to any other prescribed officer, follow or pursue such tusker or elephant to any place (not being a place within a National Reserve) and there shoot or kill such tusker or elephant.

The Minister [1] may at any time by Order [1] published in the Gazette suspend the operation of this subsection for any period either throughout Ceylon or in any specified part of Ceylon.

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(3) If the Warden is satisfied that any tusker or elephant found trespassing or attempting to trespass in or upon any cultivated land has not been shot, killed or taken in the exercise of the rights conferred by subsection (1), he may, on payment of the prescribed fee, issue to any person a special licence in the prescribed form containing such conditions as he may deem necessary or expedient to insert therein and authorizing that person to follow or pursue such tusker or elephant to any place (not being a place within a National Reserve) and there to shoot or kill such tusker or elephant.

(4) It shall be lawful for the owner or person in charge of any cultivated land at any time to set, lay or spread any trap, snare, net or pitfall in or upon that land for the purpose of killing or taking any deer or fowl which trespasses or attempts to trespass thereon.

(5) Save as is provided in subsection (4), no person shall set, lay or spread any trap, snare, net or pitfall for the purposes of taking any deer or fowl.

Right to kill or take wild buffalo which joins a herd of domestic buffaloes.

15. It shall be lawful for any person without a licence to shoot, kill or take in any area outside a National Reserve any male buffalo which joins and accompanies a herd of domestic buffaloes.

Killing or taking of tuskers, &c., to be reported forthwith.

16. Any person who in the exercise of any right conferred by section 12, or section 13, or section 14, or section 15, kills or takes any tusker, elephant, buffalo, deer or fowl, shall forthwith report such killing or taking to any police officer entitled to officiate in the area within which such killing or capture took place or to any prescribed officer.

Property in elephants, tuskers, &c., killed or taken under Part II.

17. (1) Any elephant duly killed or taken by any person under the authority of any licence issued under this Part of this Ordinance, shall be the property of that person, unless otherwise provided in the conditions attached to the licence.

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(2) Subject to the provisions of subsection (1), every tusker or elephant which is killed or captured shall be the property of the Crown.

(3) Any buffalo, deer, or fowl duly killed or taken by any person in accordance with the provisions of this Part of this Ordinance shall be the property of that person, unless otherwise provided in the conditions attached to the licence, where any such buffalo, deer or fowl was killed or taken under the authority of a licence.

Warden authorized to dispose of tusks and carcases of dead tuskers and elephants.

18. Subject to such restrictions or conditions as may be prescribed, the Warden may, by sale or otherwise, dispose of—

(*a*) the carcase, or any part of the carcase, of any dead elephant which is the property of the Crown ; or

(*b*) the tusks or the carcase or any part of the carcase of any dead tusker.

Royalties payable on export of tuskers and elephants.

19. (1) A royalty according to such rates as may from time to time be prescribed shall be levied as export duty by the officers of customs at the port of shipment in respect of every tusker or elephant, whether wild or tame, exported from Ceylon to any place outside Ceylon.

[§ 3, 38 of 1949.]

(2) No tusker or elephant, whether wild or tame, shall be exported from Ceylon to any place outside Ceylon except under the authority of a special permit issued by the Warden.

(3) This section shall have effect as if it formed part of the Customs Ordinance and the provisions of that Ordinance shall apply accordingly.

Offences—Tuskers.

20. Any person who—

(*a*) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder, hunts, shoots, kills, takes, follows, or pursues any tusker ; or

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(*b*) exports any tusker, whether wild or tame, from Ceylon except under the authority of a special permit issued under section 19, or in any way evades payment of the royalty payable on such export,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to one year or to both such fine and imprisonment; and where any person who is convicted of an offence mentioned in paragraph (*a*) of this section in respect of the killing or taking of any tusker is found by the court to be in possession of that tusker or its carcase or tusks, the court may make order directing such tusker, carcase, or tusks to be delivered to the possession or custody of any officer of Government to be held by that officer for and on behalf of the Crown.

Offences—Elephants.

21. Any person who—

(*a*) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder, hunts, shoots, kills, takes, follows or pursues any elephant; or

(*b*) exports any elephant, whether wild or tame, from Ceylon except under the authority of a special permit issued under section 19, or in any way evades payment of the royalty prescribed in respect of the export of any elephant from Ceylon,

[§ 4, 38 of 1949.]

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment; and where any person who is convicted of an offence mentioned in paragraph (*a*) of this section in respect of the killing or taking of any elephant is found by the court to be in possession of that elephant or its carcase, the court may make order directing such elephant or carcase to be delivered to the possession or custody of any officer of Government to be held by that officer for and on behalf of the Crown.

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Offences—Buffaloes, deer, or fowl.

22. Any person who—

(1) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder, hunts, shoots, kills, or takes any buffalo, deer, or fowl ; or

(2) in contravention of this Part of this Ordinance—

(*a*) sets, lays, or spreads any snare, net, or pitfall for the purpose of killing or taking any deer or fowl ; or

(*b*) during the close season, hunts, shoots, kills or takes any deer or fowl ; or

(3) during the close season takes or removes the eggs of any fowl,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term which may extend to three months or to both such fine and imprisonment.

Penalty for unlawful possession of tusker or elephant.

23. (1) Any person who is in unlawful possession of a tusker or an elephant shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment ; and the court may on the conviction of any such person make order for the disposal of the tusker or elephant in respect of which the offence was committed, having regard to the rights of any other person who may appear to the court to be lawfully entitled to the possession of such tusker or elephant.

(2) A person who is found in possession of a tusker or an elephant shall be deemed to be in unlawful possession of that tusker or elephant unless—

(*a*) he is the captor of that tusker or elephant under the authority of a licence issued under this Ordinance or under any written law repealed by Ordinance No. 2 of 1937 ; or

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(*b*) he is the successor in title to such captor ; or

(*c*) he is in possession on behalf of such captor or his successor in title.

Regulations for licensing of persons in possession of tuskers or elephants.
[§ 5, 38 of 1949.]

24. Regulations may be made—

(*a*) requiring persons in possession of tuskers or elephants to cause themselves annually to be licensed as being in possession thereof ;

(*b*) specifying the officers to whom applications for such licences shall be made ;

(*c*) specifying the particulars to be set out in any such application or licence, whether by reference to identification marks or otherwise, of the tusker or elephant to which the application or licence relates ; and

(*d*) providing for the cancellation of any such licence and the issue of a new licence in the event of any sale or transfer of or other succession in title to any tusker or elephant in respect of which such licence has been issued.

Power of Warden, &c., to detain tusker or elephant on suspicion.

25. (1) Where it appears to the Warden or to any police officer or other prescribed officer that any person is in unlawful possession of any tusker or elephant, it shall be lawful for the Warden or such police or other prescribed officer to seize and detain such tusker or elephant and to apply to the Magistrate having jurisdiction over the place where the animal was seized to make order for the disposal of such tusker or elephant and the Magistrate to whom such application is made may, after such inquiry as he may deem necessary, make such order for the disposal of the tusker or elephant as the justice of the case may require.

(2) An order made under this section shall not affect the liability of any person to be prosecuted for any offence committed in respect of the tusker or elephant to which the order relates.

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Penalty for unlawful possession of fresh meat, &c., of deer and fowl.

26. (1) Any person who is in unlawful possession of—

(*a*) the fresh meat or flesh of any deer or fowl ; or

(*b*) the fresh hide or horn of any deer ; or

(*c*) the freshly taken skin, feathers or eggs of any fowl,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty rupees or to imprisonment of either description for a term which may extend to three months or to both such fine and imprisonment.

(2) A person who is found in possession of—

(*a*) the fresh meat or flesh of any deer or fowl ; or

(*b*) the fresh hide or horn of any deer ; or

(*c*) the freshly taken skin, feathers or eggs of any fowl,

shall be deemed to be in unlawful possession thereof unless such meat, flesh, hide, horn, skin, feathers or eggs, as the case may be, was or were part of or taken or obtained from any deer or fowl lawfully killed or taken in accordance with the provisions of this Part of this Ordinance.

Special regulations for Part II.

27. Regulations may be made prescribing the circumstances in which and the conditions subject to which the Warden may waive or reduce the fee prescribed for the issue of any licence under this Part of this Ordinance.

Interpretation of Part II.

28. In this Part of this Ordinance, unless otherwise expressly provided or unless the context otherwise requires—

"buffalo" means a wild buffalo ;

"deer" means any of the following species of deer:—

(*a*) Sambur (*Rusa unicolor unicolor*),

(*b*) Spotted deer (*Axis axis ceylonensis*),

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(c) Red or barking deer (*Muntiacus malabaricus*),

(d) Paddy field or hog deer (*Hyelaphus porcinus*);

"elephant" means a wild elephant other than a tusker;

"fowl" means any of the following species of fowl or partridge:—

(a) Pea fowl (*pavo cristatus*),

(b) Ceylon spur fowl (*Galloperdix bicalcarata*),

(c) Grey partridge (*Francolinus pondicerianus*),

(d) Painted partridge (*Francolinus pictus*);

"tusker" means a wild elephant having a tusk or tusks.

Part II not to apply to tuskers, &c., seized at kraals.

29. The foregoing provisions of this Part of this Ordinance shall have no application to the hunting, killing, taking, pursuit, or possession of—

(a) any tusker or elephant seized or taken at any elephant kraal held under the Elephant Kraal Ordinance, or

(b) any buffalo seized or taken at any buffalo kraal held in such manner and circumstances and subject to such conditions as may be prescribed.

PART III

Birds, Beasts, And Reptiles

Offences relating to birds, beasts, and reptiles included in Schedule I.

30. (1) Any person who in any area outside a National Reserve or a Sanctuary—

(a) knowingly kills, wounds or takes any bird, beast, or reptile included for the time being in Schedule I; or

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(*b*) takes or destroys the eggs or nest of any such bird or reptile ; or

(*c*) uses any boat or any lime, snare, net, trap or other instrument for the purpose of killing or taking any such bird, beast, or reptile ; or

(*d*) has in his possession or under his control any such bird, beast, or reptile recently killed or taken, or the skin of any such bird, beast, or reptile recently killed or taken, or the feathers of any such bird recently killed or taken or the recently taken eggs of any such bird or reptile ; or

(*e*) exposes or offers for sale any such bird, beast, or reptile or any part of any such bird, beast, or reptile,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty-five rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment:

Provided that no person shall be convicted under this section of taking any bird or beast or of having any bird or beast in his possession or under his control, if the court is satisfied that the bird or beast was taken bona fide for the purpose of being kept alive or reared in captivity.

(2) A person shall not be guilty of an offence under this section if the act which constitutes such offence has been done in the circumstances and subject to the conditions under which such act is authorized or permitted by any regulation made under section 32.

Offences relating to birds and beasts included in Schedule II.

31. (1) Any person who in any area outside a National Reserve or Sanctuary during the close season—

(*a*) knowingly kills, wounds or takes any bird or beast included for the time being in Schedule II ; or

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(*b*) takes or destroys the eggs or nest of any such bird ; or

(*c*) uses any boat or any lime, snare, net, trap, or other instrument for the purpose of killing or taking any such bird or beast ; or

(*d*) has in his possession or under his control any such bird or beast recently killed or taken or the skin of any such bird or beast recently killed or taken, or the feathers of any such bird recently killed or taken, or the recently taken eggs of any such bird ; or

(*e*) exposes or offers for sale any such bird or beast or any part of any such bird or beast ; or

(*f*) purchases the feathers of any such bird for the purpose of preparing such feathers for use or wear, or purchases the skin of any such beast for the purpose of preparing or tanning such skin for use,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten rupees or to imprisonment of either description for a term which may extend to two weeks or to both such fine and imprisonment.

(2) A person shall not be guilty of an offence under this section if the act which constitutes such offence has been done in the circumstances and subject to the conditions under which such act is authorized or permitted by any regulation made under section 32.

Sections 30 and 31 inapplicable in prescribed cases.

32. The Minister[1] may by regulation prescribe the circumstances in which and the conditions subject to which any person may be authorized or permitted to do any act which is penalized by section 30 or section 31.

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Power to ascertain name and address of an offender against Part III.

33. Where any person is found offending against this Part of this Ordinance, it shall be lawful for any other person to require the person offending to state his name and place of abode, and in case the person so offending after being so required refuses to state his correct name or place of abode or states a name or place of abode which is incorrect, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty rupees.

Alteration of Schedules I and II.

34. The Minister [1] may by regulation add to, rescind, vary, or amend any of the provisions of Schedule I or Schedule II.

Proof of species of bird, beast, or reptile.

35. A certificate purporting to be signed by the Director of Museums to the effect that any bird, beast, or reptile or part of any bird, beast, or reptile forwarded to him for examination and report is a bird, beast, or reptile or a part of a bird, beast, or reptile of a species for the time being included in Schedule I or Schedule II, shall, on production in any court of law, be sufficient evidence of the facts stated in such certificate until the contrary is proved.

Temporary prohibition against killing or taking of birds in specified areas.

36. The Minister [1] may by notification in the Gazette declare that for a specified period not exceeding three months reckoned from the date of the publication of the notification no person shall shoot, kill, or take any bird of any species in any area outside a National Reserve or a Sanctuary mentioned in the notification ; and any person who in any such area and during such specified period shoots, kills, or takes any bird, save on any cultivated land shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty-five rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

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Prohibition of import of non-indigenous birds, beasts, and reptiles without permits.

37. (1) No person shall import into Ceylon any living bird, beast, or reptile of a species which is not indigenous to Ceylon, or the eggs of any such bird or reptile, except upon a permit in the prescribed form obtained from the prescribed officer on payment of the prescribed fee.

(2) This section shall have effect as if it formed part of the Customs Ordinance and the provisions of that Ordinance shall apply accordingly.

(3) In any case of doubt or dispute a certificate purporting to be signed by the Director of Museums to the effect that any bird, beast or reptile belongs to a species which is not indigenous to Ceylon or that any species of any bird, beast, or reptile is a species not indigenous to Ceylon, or that any egg of any bird or reptile is the egg of a bird or reptile of a species which is not indigenous to Ceylon shall for all purposes be final and conclusive as to the facts stated therein.

(4) In this section the expression "bird, beast, or reptile" does not include a domestic animal as defined in section 11.

Regulations relating to non-indigenous birds, beasts, and reptiles.

38. Regulations may be made—

(*a*) requiring any person who imports any bird, beast or reptile on a permit issued under section 37 to produce a certificate from an approved authority that such bird, beast, or reptile is free from disease or infection;

(*b*) prohibiting any bird, beast, or reptile imported on a permit issued under section 37 from being liberated or released in any part of Ceylon, or prescribing any area or areas within which any such bird, beast, or reptile may be liberated or released;

(*c*) exempting any specified species of bird, beast, or reptile from the operation of section 37 or of any regulation made under this section.

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Penalties for unlawful import or release of non-indigenous birds, beasts, and reptiles.

39. (1) Any person who—

(*a*) imports into Ceylon any bird, beast, or reptile in contravention of the provisions of section 37 or of any regulation made under section 38 ; or

(*b*) contravenes any regulation made under section 38,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

(2) Any person who liberates or releases any bird, beast, or reptile which has been imported into Ceylon in contravention of the provisions of section 37 shall be guilty of an offence and shall, in addition to any punishment to which he may be liable under subsection (1), be liable on conviction to a fine of one hundred rupees in respect of each bird, beast, or reptile so liberated or released.

Prohibition of export of birds, beasts, and reptiles without a permit.

40. (1) No person shall export from Ceylon—

(*a*) any bird, beast or reptile, whether dead or alive ; or

(*b*) the eggs, feathers, or plumage of any bird, the horns or skin of any beast, or the eggs or skin of any reptile, or any other part of any bird, beast or reptile,

except upon a permit in the prescribed form obtained from the prescribed officer on payment of the prescribed fee.

(2) This section shall have effect as if it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.

(3) In this section—

" bird " or " reptile " does not include any bird or reptile of a species which is not indigenous to Ceylon ;

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"beast" does not include— [§ 6, 38 of 1949.]

(*a*) any animal the exportation of which is restricted by section 19, or

(*b*) any domestic animal as defined in section 11, or

(*c*) any beast of a species which is not indigenous to Ceylon.

(4) In any case of doubt or dispute a certificate purporting to be signed by the Director of Museums to the effect that any bird, beast, or reptile belongs to a species which is not indigenous to Ceylon, or that any species of any bird, beast, or reptile is a species not indigenous to Ceylon, or that any part of any bird, beast, or reptile is a part of a bird, beast, or reptile of a species which is not indigenous to Ceylon, or that any egg of any bird or reptile is the egg of a bird or reptile of a species which is not indigenous to Ceylon shall for all purposes be final and conclusive as to the facts stated therein.

Penalty for unlawful export of birds, beasts, and reptiles.

41. Any person who exports from Ceylon any bird, beast, or reptile, whether dead or alive, or any part of any bird, beast, or reptile, or any eggs, feathers, plumage, horns or skin in contravention of the provisions of section 40 shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

PART IV

FLORA

Protection of plants included in Schedule III.

42. (1) No person shall in any area specified for the time being in the second column of Schedule III—

(*a*) remove, uproot or destroy, or cause any damage or injury to, any plant which is for the time being included in the first column of Schedule III and—

(i) is the property of any other person ; or

(ii) is growing in any public place ; or

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(b) destroy any plant which is for the time being included in the first column of Schedule III and is his own property ; or

(c) sell or expose or offer for sale any plant for the time being included in the first column of Schedule III,

except upon a permit in the prescribed form obtained from the prescribed officer on payment of the prescribed fee.

(2) If no fee is prescribed for the issue of a permit for the purposes of subsection (1) that permit shall be issued free of charge.

Protected trees.

43. No person shall uproot or destroy or cause any damage or injury to any tree (hereinafter called a "protected tree") growing in any public place and included for the time being in Schedule IV :

Provided that nothing herein contained shall be deemed to prohibit or to penalize any act done by or on the orders of any person entrusted by the Crown or by any local authority with the charge or care of any protected tree if such act is done in order to stimulate the growth or to improve the condition or appearance or to secure the safety or to preserve the existence of any such tree.

Alteration of Schedules III and IV.

44. The Minister[1] may by regulation add to, rescind, vary or amend any of the provisions of Schedule III or Schedule IV :

Provided that no tree shall be so added to the list of trees in Schedule IV unless that tree is growing in a public place and unless in the opinion of the Minister[1] the preservation or protection of that tree is necessary or desirable for scientific or aesthetic purposes or on religious or historical grounds.

Regulations relating to flora.

45. Regulations may be made—

(a) prohibiting or regulating the exportation from Ceylon of any specified plant, whether or not such plant is included for the time being in Schedule III ;

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(*b*) prohibiting or regulating the cultivation of any specified plant ;

(*c*) prescribing the conditions to be attached to any permit issued under section 42 ;

(*d*) generally, for the protection and conservation of the wild vegetation, plant life and flora of Ceylon.

Offences under Part IV.

46. Any person who acts in contravention—

(*a*) of the provisions of section 42 or of any permit issued to him under that section or of any condition attached to any such permit ; or

(*b*) of the provisions of section 43 ; or

(*c*) of any regulation made under section 45,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

Savings— Part IV.

47. Nothing in this Part of this Ordinance shall affect the provisions of—

(*a*) the Forest Ordinance, or any rules or regulations made thereunder ;

(*b*) the Water Hyacinth Ordinance ;

(*c*) the Plant Protection Ordinance, or of any regulation made thereunder ;

(*d*) the Tea Control Act, or of any regulation made thereunder ;

(*e*) the Rubber Control Act, or of any regulation made thereunder ;

(*f*) any other written law relating to the cultivation or to the regulation or the prohibition of the cultivation of any plant.

M 67——J. N. R 7598 (4/60)

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Interpretation of Part IV.

48. In this Part of this Ordinance, unless the context otherwise requires—

"plant" means any member of the vegetable kingdom and includes the seed and any part of a plant other than the flower;

"public place" means any Crown land or land at the disposal of the Crown or land belonging to or vested in a local authority and includes any land which is not private property.

PART V

Miscellaneous Provisions

Taxidermists and traders in animals, skins, &c., to be licensed.

49. (1) No person shall carry on or exercise the business or trade of a taxidermist or any business or trade for the purchase or sale of any animal, whether dead or alive, or of any part of any dead animal except upon a licence in the prescribed form obtained from the prescribed officer on payment of the prescribed fee.

(2) Every licence issued under subsection (1) shall be subject to the prescribed conditions and if no fee is prescribed for the issue of such a licence, it shall be issued free of charge.

(3) In this section "animal" means an animal as defined in section 11, but does not include a domestic animal as defined in that section.

No gun to be discharged on a prohibited road.

50. (1) The Minister[1] may by notification in the Gazette declare any road in any area outside a National Reserve or a Sanctuary to be a prohibited road for the purposes of this Ordinance.

(2) Any person who discharges any gun on any prohibited road or on any land adjoining any such road and reserved for its extension, protection or benefit, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one

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hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

(3) Regulations may be made prescribing the means by which and the manner in which the fact that any road is a prohibited road for the purposes of this Ordinance may be brought to the notice of members of the public who have occasion to use that road or to travel thereon.

Prohibition of shooting from vehicles.

51. No person shall shoot at any bird or animal from any position in or on any moving or stationary vehicle of any kind.

Prohibition of use of artificial lights.

52. No person shall use any artificial light for the purpose of enabling or facilitating the destruction of any bird or animal, whether by dazzling the vision of any such bird or animal or otherwise.

Regulation of hunting, shooting, &c., on Crown land outside National Reserves.

53. Except in accordance with regulations, no person shall on any Crown land outside a National Reserve—

(*a*) hunt, shoot, kill, or take any animal, reptile, or bird, between sunset and sunrise ; or

(*b*) set, lay, or spread any net, pitfall, trap, snare or other instrument for the purpose of killing or taking any animal, reptile, or bird.

Rewards for destruction of elephants responsible for damage to property.

54. Where in any area outside a National Reserve any damage has been caused by elephants to any crops, plantations, or other property, the Warden may, with the approval of the Minister,[1] pay a reward to any person who has killed any elephant which in the opinion of the Warden caused or was likely to have caused such damage whether alone or in association with other elephants :

Provided that the reward so paid to any person shall not in any case exceed a sum of one hundred rupees for each elephant killed by that person.

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Circumstances in which acts otherwise prohibited may be authorized.

55. (1) The Warden may by a writing under his hand authorize any person to do any act otherwise prohibited or penalized under this Ordinance or any regulation made thereunder, if in the opinion of the Warden such act should be authorized for the protection, preservation or propagation, or for the scientific study or investigation of the fauna and flora of Ceylon.

(2) No person authorized under subsection (1) to do any act shall, by reason only of the commission of that act, be guilty of an offence under this Ordinance or any regulation made thereunder.

PART VI

General

LICENCES AND PERMITS

Refusal and revocation of licences and permits.

56. (1) The Warden or any officer empowered to issue a licence or permit under this Ordinance or any regulation made thereunder may in his discretion—

(*a*) insert in any such licence or permit any condition which he may consider necessary or expedient ;

(*b*) refuse to issue any such licence or permit ;

(*c*) revoke any such licence or permit, by notice in writing to the person to whom such licence or permit was issued.

(2) Any person aggrieved by the refusal or revocation of any permit or licence (other than a licence under section 49) may appeal against such refusal or revocation to the Minister.[1]

(3) Any person aggrieved by the refusal to issue a licence under section 49 or by the revocation of any licence issued under that section may appeal against such refusal or revocation to the Minister.[1]

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(4) The decision of the Minister [1] on any appeal preferred under subsection (2) or subsection (3), as the case may be, shall be final and conclusive.

(5) Regulations may be made prescribing the time within which appeals shall be preferred and generally in respect of all matters incidental to or connected with the hearing or disposal of such appeals.

Licences and permits not to be transferred.

57. (1) No person other than the person named in any licence or permit issued under this Ordinance or any regulation made thereunder shall be entitled under cover of that licence or permit to do any act to authorize which that licence or permit was issued.

(2) Any person who transfers to any other person any licence or permit issued to him under this Ordinance or any regulation made thereunder shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

OFFENCES AND PENALTIES

General penalty.

58. Any person who does any act in contravention of any of the provisions of this Ordinance or of any regulation or of any condition inserted in any licence or permit issued under this Ordinance or under any regulation shall be guilty of an offence punishable where no other penalty is expressly provided by this Ordinance, with a fine not exceeding two hundred rupees or with imprisonment of either description for a term which may extend to three months or with both such fine and imprisonment.

Attempts and abetment.

59. Any person who attempts to commit or abets the commission of any offence under this Ordinance or any regulation made thereunder shall himself be guilty of the same offence.

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General exceptions to criminal liability.

60. (1) An act otherwise prohibited or penalized under this Ordinance or any regulation made thereunder shall not be an offence if it is done—

(*a*) for the purpose of protecting any crop, plantation, or other property from any damage caused or likely to be caused by any animal trespassing on any land on which such crop, plantation or other property is situate ; or

(*b*) for the purpose of protecting any human being or any domestic animal from any immediate danger or from injury by any wild animal ; or

(*c*) for the purpose of killing or taking in or in the immediate vicinity of any human dwelling or of the land in which such dwelling is situate any leopard, bear, wild boar, crocodile or poisonous reptile.

(2) In this section the expressions "animal", "domestic animal" and "wild animal" respectively have the meanings assigned to those expressions in section 11.

No prosecution without sanction of Warden.

61. No prosecution for any offence under this Ordinance or any regulation made thereunder shall be instituted except by the Warden or with his written sanction.

Power to compound offences.
[§ 7, 38 of 1949.]

62. The Warden may at any time compound any offence under this Ordinance ; and where a prosecution has been entered against any person for any offence under this Ordinance, the Warden may compound such offence at any time before judgment and may withdraw such prosecution.

Offences to be triable summarily by Magistrates' Courts.

63. It shall be lawful for a Magistrate summarily to try any offence under this Ordinance or under any regulation:

Provided that nothing herein contained shall affect the right of a Rural Court to try any such offence in respect of which jurisdiction is conferred on such court under the provisions of the Rural Courts Ordinance.

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Power of Magistrate's Court to make order of confiscation.

64. (1) Except as is herein before expressly provided in regard to the disposal of any tusker or elephant or of the carcase of any tusker or elephant or the tusks of any tusker on the conviction of any person for an offence relating to a tusker or elephant, any animal or any part of any animal in respect of which any offence has been committed and any gun, boat, artificial light, snare, net, trap, or other instrument, contrivance, appliance or thing used in or for the commission of any offence may be confiscated by order of the court before which the offender is convicted and may be disposed of in such manner as the court may direct.

(2) In this section "animal" means an animal as defined in section 11.

Informer's share of fines.

65. It shall be lawful for the court before which an offender is convicted of an offence to direct in respect of any fine that may be imposed for such offence that any share not exceeding one-half thereof or of so much as shall actually be recovered be awarded to the informer.

Powers of arrest and search.

66. Any police officer and any other prescribed officer may, subject to such restrictions as may be prescribed, stop and search—

(i) any person whom he suspects on reasonable grounds of having committed any offence ; or

(ii) any boat, vessel or vehicle in which that person may be or may on reasonable grounds be suspected to be.

Erection of barriers and search of vehicles, &c., on roads adjoining National Reserve.
[§ 8, 38 of 1949.]

67. (1) For the purpose of preventing the commission of offences against section 8 of this Ordinance on any portion of any road running alongside a Strict Natural Reserve, National Park or Intermediate Zone—

(*a*) it shall be lawful for the Warden to cause barriers to be placed across each end of that portion of the road, so as to enable vehicles to be stopped and searched thereat as hereinafter provided ; and

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(*b*) it shall be lawful for a prescribed officer to stop at such barrier any vehicle which is about to enter that portion of the road, and to search the vehicle and any person in the vehicle, for the purpose of ascertaining whether any gun is being carried therein, and in any case where any gun is so found therein, to require the person for the time being in charge of the vehicle to permit such officer or any other person specified by such officer to travel in that vehicle during the whole or any part of the journey to be performed on that portion of the road.

(2) Where the person for the time being in charge of any vehicle which is stopped at any barrier under subsection (1) refuses, upon being required so to do under that subsection, to permit a prescribed officer or any person specified by such officer to travel in the vehicle, it shall be lawful for the prescribed officer to take such steps as may be necessary to prevent the vehicle from proceeding beyond the barrier.

APPOINTMENT OF OFFICERS AND ADVISORY COMMITTEE

Appointment of officers.

68. (1) For the purposes of this Ordinance, there may be appointed [3]—

(*a*) a person by name or by office to be or to act as Warden or as Deputy Warden ;

(*b*) a person by name or by office to be or to act as district warden for any specified district or area ;

(*c*) a person to act as an honorary district warden of any National Reserve or Sanctuary ;

(*d*) such other officers and servants as may from time to time be required.

(2) In the exercise of their powers and in the discharge of their duties under this Ordinance all persons, officers and servants appointed under this section shall be subject to the general direction and control of the Minister. [1]

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(3) All persons, officers and servants appointed under this section shall be deemed to be public servants within the meaning of the Penal Code.

Delegation of powers of Warden.

69. The Warden may with the approval of the Minister [1] delegate to any district warden in respect of his district or area or to any honorary district warden in respect of the National Reserve or Sanctuary for which he is appointed any power or duty conferred or imposed on the Warden by this Ordinance or by any regulation made thereunder.

Advisory committee.

70. (1) The Minister [1] may appoint an advisory committee which shall consist of the Warden as chairman and of eleven other persons, for the purpose of advising the Warden and making recommendations to the Minister [1] on all matters and questions relating to the fauna and flora of Ceylon.

(2) Meetings of the advisory committee shall be held at least twice in every year.

(3) The advisory committee shall be entitled to determine its own procedure in any matter of procedure for which no provision is prescribed.

GENERAL REGULATIONS

General regulations.

71. (1) The Minister [1] may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister [1] may make regulations for or in respect of all or any of the following matters:—

(*a*) the circumstances in which and the conditions subject to which the Warden may exercise the powers conferred on him by section 55 ;

(*b*) the circumstances in which and the conditions subject to which any licence or permit may be issued free of charge ;

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(c) the fee to be paid for any licence or permit issued under this Ordinance or under any regulation, and the mode and manner of payment or recovery of any such fee ;

(d) the prohibition or regulation of the import, manufacture, sale, possession or use of any head-gear so constructed as to be capable of being fitted with any lamp or artificial light or of any lamp constructed so as to be capable of being fitted into any head-gear ;

(e) the period of office of the members of the advisory committee appointed under section 70, the manner in which meetings of that committee shall be convened, the procedure to be followed at such meetings, and the manner in which the recommendations of that committee shall be made ;

(f) the declaration of any period other than that specified in section 72 as a close season in respect of any particular species of bird or beast either throughout the whole of Ceylon or in any specified area ; and

(g) all matters for which regulations are required or authorized to be made under this Ordinance, all matters stated or required by this Ordinance to be prescribed, and all other matters incidental to or connected with such matters.

(3) Every regulation made by the Minister [1] shall be brought before the Senate and the House of Representatives [1] by a motion that such regulation shall be approved. No regulation made by the Minister [1] shall have effect until it has been approved by the Senate and the House of Representatives. [1] Notification of such approval [1] shall be published in the Gazette.

(4) A regulation made by the Minister [1] when approved by the Senate and the House of Representatives [1] shall, upon notification of such approval in the Gazette, be as valid and effectual as if it were herein enacted.

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INTERPRETATION AND SAVINGS

Interpretation.

72. (1) In this Ordinance, unless the context otherwise requires—

"close season" means the period from the thirtieth day of April to the thirty-first day of October in each year, or such other period as may be prescribed in respect of any particular species of bird or beast either throughout the whole of Ceylon or in any specified area ;

"Crown land" means all land to which the Crown is lawfully entitled together with all rights, interests and privileges attached or appertaining thereto ;

"cultivated land" includes land used for chena cultivation when a crop is growing on such land;

"Intermediate Zone" means an Intermediate Zone declared [3] under section 2 (1) :

"gun" has the same meaning as in the Firearms Ordinance ;

"local authority" means any Municipality, Urban Council, Town Council, or Village Committee and includes the inhabitants* of a village area constituted under the Village Communities Ordinance ;

"National Park" means a National Park constituted by Order [3] under section 2 (1) ;

"National Reserve" means a National Reserve constituted by Order [3] under section 2 (1) ;

"offence" means an offence under this Ordinance or under any regulation ;

"police officer" includes any headman appointed by a Government Agent to perform police duties ;

"prescribed" means prescribed by this Ordinance or by regulation ;

"regulation" means a regulation made by the Minister [1] under this Ordinance ;

* See section 3 (now repealed) of Ordinance No. 9 of 1924.

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"Sanctuary" means a Sanctuary constituted by Order [2] under section 2 (2) ;

"Strict Natural Reserve" means a Strict Natural Reserve constituted by Order [3] under section 2 (1) ;

"Warden" means the person appointed [3] to be or to act as Warden under section 68 and includes the Deputy Warden appointed under that section.

(2) Any reference in this Ordinance or in any regulation or in any other written law to a Schedule of this Ordinance shall be deemed to be a reference to the Schedule for the time being in force.

Savings—Licences.

73. Every licence issued by any authority under any written law repealed by Ordinance No. 2 of 1937 for the doing of any act for which a licence is required by this Ordinance shall be valid and continue in force until the expiration of the period for which it was granted.

Savings—Proclamations, notifications, rules, &c.

74. All such proclamations, notifications and orders issued, and all such regulations and rules made, and all such concessions, permissions and authorizations given, and all such royalties fixed under any written law repealed by Ordinance No. 2 of 1937 as are in force at the date on which this Ordinance comes into operation shall, so far as they relate to matters for which provision may in any manner be made under this Ordinance and so far as they are not inconsistent with the provisions of this Ordinance, continue in force unless or until provision in regard to such matters is made in accordance with the provisions of this Ordinance.

Operation of Fisheries Ordinance.

75. The provisions of the Fisheries Ordinance shall cease to be in operation in any National Reserve or Sanctuary as from the date on which such National Reserve or Sanctuary is duly constituted under section 2 ; but, subject as aforesaid, the provisions of that Ordinance shall continue to be in operation in any area outside a National Reserve or a Sanctuary.

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SCHEDULE I

BIRDS, BEASTS AND REPTILES [Section 30.]

List of Birds absolutely protected

	English Name	Scientific Name	Sinhalese Name	Tamil Name
1.	Ceylon Magpie	Cissa ornata	Kehibella	Kari-kuruvi
2.	Paradise Fly-catcher	Terpsiphone paradisi paradisi	Redi-hora, Gini-hora	Vedi-vat-kuruvi
3.	Orange Minivet	Pericrocotus speciosus flammeus	Gini-kurulla	Mampala-kuruvi
4.	Malabar Small Minivet	Pericrocotus peregrinus malabaricus	Kos-kurulla	Mampala-kuruvi
5.	Southern Hill-Mynah or Southern Grackle	Eulabes religiosa	Sela-lihiniya	Malai-nakanam-pachchi
6.	Ceylon Hill-Mynah or Ceylon Grackle	Eulabes ptilogenys	Mal-kawadiya, kampatiya	Malai-nakanam-pachchi
7.	Black-headed Oriole	Oriolus xanthonus ceylonensis	Kaha-kurulla	Mampala-kuruvi-man-kuyil
8.	Painted-Thrush Indian Pitta	Pitta brachyura	Avichchiya	Aru-mani-kuruvi totta-kallan
9.	Woodpeckers of all species	All members of the family *Picidae*	Kerella	Maran-kotti, tachchan kuruvi
10.	Indian Roller (Blue Jay)	Coracias benghalensis indica	Dumbona, dunkawuluwa	Panam-kakam, tottukili
11.	Kingfishers of all species	All members of the family *Alcedinidae*	Pilihuduwa	Minkotti
12.	Malabar Pied Hornbill	Anthracoceros coronatus coronatus	Poruwa-kendetta	Irattai-chondu-kuruvi
13.	Ceylonese Hornbill	Lophoceros griseus gingalensis	Kendetta	Irattai-chondu-kuruvi
14.	Ceylon Hoopoe	Upupa epops ceylonensis	Porowa-kurulla	Chaval-kuruvi
15.	Ceylon Trogon	Harpactes fasciatus	Gini-kurulla	Tachchan-kuruvi
16.	Storks of all species	All members of the sub-family *Ciconiidae*	Kokka Mana or Datueluwa	Narai
17.	Purple Heron	Ardea purpurea manillensis	Karawala-kokka, barendi-kokka	Chen-narai
18.	Pond Heron	Ardeola grayii	Kana-kokka	Kuruttu-kokku, Nuli-madayan
19.	Large White Egret	Egretta alba modesta	Loku-sudda-kokka, badadel-kokka	Periya-vellai kokku
20.	Smaller White Egret	Egretta intermedia intermedia	Sudda-kokka	Vellai-kokku
21.	Little Egret	Egretta garzetta garzetta	Sudda-kokka	Sinna-vellai kokku
22.	Cattle Egret	Bubulcus ibis coromandus	Harak-kokka	Nunni-kokku
23.	Legge's Baza	Baza jerdoni ceylonensis	Kurullugoya	—
24.	Indian Broadbilled Roller	Eurystomus orientalis orientalis	—	Pulupporukki
25.	Owls of all species	All members of the family *Striges*	Bakamuna, Bassa, Ulama	Andai, Pakkul
26.	Hawk-eagles	All eagles of the genera *Lophotriorchis*, *Ictinaetus*, and *Limnaetops*	Rajaliya	Rasali, kalagu

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List of Birds absolutely protected—contd

English Name	Scientific Name	Sinhalese Name	Tamil Name
27. Serpent and fish eagles	All eagles of the genera *Haematornis Haliaetus* and *Ichthyophaga*	Rajaliya, muhudura-jaliya, wewaraja-liya, lul-mara	Kudumpiyan, Kadal-ala, ala
28. Flamingoes ..	Phoencopterus ruber roseus	—	Urian, Sengavala Narai

List of Beasts absolutely protected

English Name	Scientific Name	Sinhalese Name	Tamil Name
1. Bear Monkey, or Hill Wanduroo	Pithecus vetulus monticola	Maha Wandura ..	Periya Mundi
2. Grey Flying Squirrel	Petaurista philippensis lanka	Hambawa or Hangu	Paravai-anil
3. Small Ceylon Flying Squirrel	Pteromys layardi ..	Hambawa ..	Paravai-anil
4. Highland Giant Squirrel	Ratufa macroura macroura	Dandolena ..	Mali-anil
5. Hog Deer ..	Hylephus porcinus ..	Wil-muwa or Gona-muwa	—

List of Reptiles absolutely protected

1. Water lizard ..	Varanus salvator ..	Kabaragoya ..	Kabaragoyen

SCHEDULE II

[Section 31.] BIRDS AND BEASTS

List of Birds protected during the Close Season

English Name	Scientific Name	Sinhalese Name	T amil Name
1. Jungle Fowl ..	Gallus lafayettii ..	Weli-kukula, weli-kikili	Kaddu-koli
2. Bustard Quail ..	Turnix suscitator leggei	Bola-watuwa ..	Kadai
3. Golden Plover ..	Pluvialis dominicus fulvus	Oleyiya, rana-watuwa	Kotan
4. Snipe, all species including Jack-snipe and painted snipe	Genus Gallinago all species, Lymnocryptes minima and	Kes-watuwa ..	Ullan-kuruvi
— ..	Rostratula benghalensis	Raja-watuwa, uluk-eswatuwa	Ullan-kuruvi
5. Whistling teal ..	Dendrocygna javanica	Seruwa ..	Chemba-tara
6. Cotton Teal, or Quacky Duck	Nettapus coromandelianus	Mal-seruwa ..	Raja-tara

List of Beasts protected during the Close Season

— ..	— ..	— ..	—

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SCHEDULE III

PROTECTED PLANTS [Section 42.]

I				II
English Name	Botanical Name	Sinhalese Name	Tamil Name	Area
Wesak orchid or May orchid	Dendrobium Macarthiae Thw.	Wesak mala	— ..	The whole of Ceylon
Baobab Tree or Judas bag, or Monkey-bread-Tree	Adansonia digitata L.	— ..	Papparappuli or Perukka or Anaippuli	The Northern Province
Fox-tail orchid or Batticaloa orchid	Rhynchostyles retusa Bl.	— ..	— ..	The whole of Ceylon
Sphagm-numoss or Bogmoss	Sphagnum zeylanicam Mitt.	— ..	— ..	The Central Province
Primrose Orchid ..	Dendrobium Heterocarpum	— ..	— ..	The Central Province
Daffodil Orchid ..	Ipsea Speciosa ..	— ..	— ..	The Central and Uva Provinces
Anuradhapura Orchid	Vanda Tessellata (Roxburghii)	Rat-tha or Raasana	— ..	The North Central and Eastern Provinces
— ..	Vanda Spathulata..	— ..	— ..	The North-Western and North Central Provinces

SCHEDULE IV

PROTECTED TREES [Section 43.]

1. The tree popularly known as Knox's Tree, situated at Muthur in Koddiyar pattu in the administrative district of Trincomalee :—

English Name ..	.. Tamarind
Botanical Name ..	.. Tamarindus indica
Sinhalese Name ..	.. Siyambala
Tamil Name ..	.. Puli

2. The tree popularly known as the Madara Tree, situated near Kaltota in the Meda korale of the administrative district of Ratnapura :—

Botanical Name ..	.. Cleistanthus collinus
Sinhalese Name ..	.. Madara
Tamil Name ..	.. Wudacha-maram

3. The tree popularly known as Orubendi-Siyambalagaha near about the 5½ mile-post from the Elahera anicut on the Elahera Canal, situated in the Matale District of the Central Province :—

English Name ..	.. Tamarind
Botanical Name ..	.. Tamarindus indica
Sinhalese Name ..	.. Siyambala
Tamil Name ..	.. Puli

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CHAPTER 470

DISEASES OF ANIMALS

Ordinances Nos. 25 of 1909, 16 of 1912, 26 of 1921, 20 of 1922, 19 of 1923, 17 of 1930, 6 of 1935, 7 of 1939, 61 of 1939, 11 of 1941, 3 of 1946, 29 of 1947.

AN ORDINANCE TO MAKE PROVISION WITH RESPECT TO CONTAGIOUS AND INFECTIOUS DISEASES OF CATTLE AND OTHER ANIMALS.

[*1st August, 1910.*]

Short title.

1. This Ordinance may be cited as the Contagious Diseases (Animals) Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"animal" means horses, mules, asses, sheep, swine, goats, and any other animals to which this Ordinance shall be made to apply by the Minister [1] by Order [1] published in the Gazette ;

"carcase" means the carcase of any cattle or animal, and includes part of a carcase and the meat, bones, hide, skin, hoofs, horns, offal, or other part of any cattle or animals separately or otherwise, or any portion thereof ;

"cattle" means bulls, cows, bullocks, buffaloes, heifers, steers, and calves ;

"disease" means—

(*a*) in the case of cattle, murrain or rinderpest, foot-and-mouth disease, piroplasmosis, haemorrhagic septicæmia, pleuro-pneumonia, anthrax, tuberculosis, surra or any form of trypanosomiasis, and includes the diseases known by the Sinhalese and Tamil names specified in the Schedule,

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(*b*) in the case of other animals, foot-and-mouth disease, anthrax, glanders, farcy, epizootic lymphangitis, osteoporosis, surra or any form of trypanosomiasis, piroplasmosis, swine fever :

Provided that the Minister [1] may, by Order [1] published in the Gazette, extend the definition of disease so that the same shall comprise any other disease of cattle or of animals, in addition to the diseases mentioned in this section ;

" diseased " means affected with disease ;

" fodder " means grass or other substance commonly used for food for cattle or animals ;

" litter " means straw or other substance commonly used for bedding or otherwise for or about cattle or animals ;

" owner " includes a part owner or hirer of any cattle or animal and any person who takes care of any cattle or animals on condition of receiving part of the produce thereof ;

" suspected " means suspected on reasonable grounds of being diseased, and, when applied to cattle or animals, includes any cattle or animals which have been in contact with diseased cattle or animals, or have been in circumstances in which they were likely to become infected with disease.

Notice of disease.

3. Every person having in his possession or under his charge any diseased cattle or animals shall keep such cattle or animals separate from other cattle or animals, and shall with all practical speed give notice of the fact of the cattle or animals being diseased to the nearest headman or police officer or stock inspector or veterinary officer, who shall forthwith give information thereof to the divisional revenue officer of the district and to the Government Agent.

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Declaration of Government Agent of existence of disease.

4. (1) Where it appears to the Government Agent or to a divisional revenue officer of a division that disease, whether of cattle or animals, exists or has within ten days existed in a cattle shed, field, chena, garden, tank, or other place, he shall forthwith make and sign a declaration thereof, and shall proclaim by beat of tom-tom or in such other manner as he may deem fit any area within which such cattle shed, field, chena, garden, tank, or other place is situated to be an infected area. The divisional revenue officer shall forthwith send to the Government Agent a copy of any such declaration as aforesaid made by him.

Publication of declaration.

(2) Every such declaration shall specify the limits of such area and the date from which such declaration shall take effect.

Report of proceedings to be forwarded to Minister.

(3) The Government Agent shall forthwith forward to the Minister[1] a copy of any such declaration as aforesaid, and report all proceedings taken thereon.

Powers of Minister with regard to Government Agent's declaration.

(4) The Minister[1] may from time to time, if he thinks fit, on any evidence satisfactory to him, by Order published in the Gazette, revoke such declaration or curtail or extend the limits of an infected area as proclaimed by the Government Agent or a divisional revenue officer.

Power of Government Agent to declare infected area free from disease.

5. (1) Where an area has been proclaimed by the Government Agent or by a divisional revenue officer as aforesaid, such Government Agent may, if he thinks fit, at any time thereafter declare such area to be free from disease and no longer an infected area, and such declaration shall be proclaimed and published in the same manner as provided in subsections (1) and (2).

Power of Minister to declare portion of infected area free from disease.

(2) It shall be lawful for the Minister,[1] if he thinks fit, at any time to declare, by Order published in the Gazette, any particular portion or portions of any area declared by the Government Agent or a divisional revenue officer to be infected to be free from disease.

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Establishment of protective zones.

6. (1) For the purpose of checking the spread of rinderpest among cattle or animals, the Government Agent may, by means of a notice to be published as hereinafter provided, establish a belt or zone of country (hereinafter referred to as a "protective zone") adjoining any infected area of such width and extent as may appear expedient.

(2) Every such notice shall specify the limits of the protective zone and the date from which the same is established. The Government Agent shall forthwith forward a copy of every such notice to the Government Veterinary Surgeon, and a copy thereof shall be published in the Gazette.

(3) The Government Agent shall also cause every notice under the foregoing subsection to be published within the protective zone by beat of tom-tom or in such other manner as he shall think fit.

(4) The Minister[1] may at any time, by Order published in the Gazette, rescind the establishment of a protective zone or curtail or extend the limits thereof.

Power to close roads to all cattle traffic.

7. (1) It shall be lawful for the Government Agent to proclaim, by affixing notices of such proclamation on some conspicuous place at each end of any road or portion thereof, as well as by beat of tom-tom, or in such other manner as he may deem fit, that such road or portion thereof in an infected area or protective zone shall be closed to all cattle or animal traffic for the period specified in such notice ; and upon such notice being issued no person shall take any cattle or animals along such road or portion thereof, whether for purposes of transport or otherwise, during such period as aforesaid :

Provided that no road or portion thereof shall be closed for a longer period than ten days without the sanction of the Minister.[1]

(2) The Minister[1] may, by Order published in the Gazette, cancel any notice issued by the Government Agent under this section.

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Power to declare ports, &c., infected with disease.

8. (1) The Minister [1] may, by Order [1] published in the Gazette, declare any port or place without or within Ceylon to be infected with disease, and such place shall, until such Order [1] is in like manner revoked, be deemed a port or place in which disease is known to prevail.

(2) Whenever a vessel arrives at any port or place in Ceylon from any other port or place in or without Ceylon which has been declared to be infected, or having on board cattle or animals suffering from disease, or on board of which disease may have appeared in the course of the voyage, the principal officer of customs of such port or place of arrival may, if he shall see fit to do so, cause the said vessel to be placed in quarantine in so far as not to allow any of the cattle or animals to be landed for such time as he shall determine. So long as such vessel is in quarantine the owner or person in charge of any cattle or animals on board thereof shall provide a sufficient supply of water and food for such cattle or animals, and on failure thereof it shall be lawful for any person authorized by the principal officer of customs to provide such water and food; and the amount of expenses incurred in that behalf when certified under the hand of the principal officer of customs to the nearest Magistrate shall be recoverable from the owner of such cattle or animals as if it were a fine imposed by such Magistrate.

Power of principal officer of customs to allow cattle to be landed.

(3) The principal officer of customs may, if he shall see fit to do so, allow the cattle or animals or any portion of them to be landed and detained in quarantine at such place and for such time as he shall deem necessary, and such cattle or animals may thereupon be landed and detained at such place and for such time as aforesaid.

(4) Whenever any vessel has arrived having on board cattle or animals infected with disease or on board of which disease exists, the Minister [1] may order all or any of such cattle or animals to be destroyed and the carcases disposed of in the manner prescribed in such order; the owner of the cattle or animals destroyed shall not be entitled to any compensation by

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reason thereof, but the Minister [1] may, if he thinks fit, order such compensation to be paid as he may think reasonable.

(5) No person shall import or cause to be imported into Ceylon any cattle or animals from any port or place proclaimed under subsection (1) to be a port or place in which disease is known to prevail.

Regulations.

9. (1) The Minister [1] may make regulations for or in respect of all or any of the following matters :—

(i) for prescribing and regulating the destruction, burial, disposal, or treatment of carcases, fodder, litter, utensils, dung, or other things being in an infected area, or removed thereout, or which have been in contact with any diseased cattle or animals, or reasonably suspected of being a vehicle for spreading disease ;

(ii) for prescribing and regulating the disinfecting, or if necessary the destruction, of the clothes of persons coming in contact with or employed about diseased or suspected cattle or animals, and the use of precautions against the spreading of disease by such persons ;

(iii) for prohibiting the exposure of diseased or suspected cattle or animals in markets, sale yards, or other public or private places ;

(iv) for prohibiting or regulating the sending or carrying of diseased or suspected cattle or animals, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried on railways, canals, rivers, or in vessels, or otherwise ;

(v) for prohibiting or regulating the carrying, leading, or driving of diseased or suspected cattle or animals, or causing them to be carried, led, or driven on the highways or thoroughfares or elsewhere ;

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(vi) for prohibiting or regulating the placing or keeping of diseased or suspected cattle or animals on chenas or unenclosed lands, or in fields or other places insufficiently fenced, or on or near the sides of highways ;

(vii) for prescribing and regulating the seizure, detention, disposal, and destruction, without compensation, of cattle or animals exposed, carried, kept, or otherwise dealt with in contravention of regulations made under this Ordinance, or of any order made by the Minister,[3] and for prescribing and regulating the liability of the owner or consignor or consignee of the cattle or animals to the expenses connected with the seizure, detention, isolation, disinfection, destruction, and disposal thereof ;

(viii) for prescribing and regulating the issuing and production of permits required under this Ordinance, and the notices to be given to or by any person in case of any particular disease or in case of the illness of any animal or cattle ;

(ix) for prohibiting or regulating the holding of markets and fairs for the sale of cattle or animals ;

(x) for prescribing and regulating the cleansing and disinfecting of places used for the holding of markets and fairs for the sale of cattle or animals, and yards, sheds, stables, and other places used for cattle or animals ;

(xi) for prohibiting or regulating the movement of cattle or animals and persons into, in, or out of an infected area or protective zone ;

(xii) for requiring cattle or animals to be moved out of a protective zone into other land occupied by the owner or provided by Government for the purpose ;

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(xiii) for requiring cattle or animals within a protective zone to be kept within fenced enclosures or tied or otherwise secured; and for preventing such cattle or animals from straying or running loose;

(xiv) for prescribing and regulating the isolation or separation of cattle and animals being in an infected area, or diseased or suspected cattle and animals;

(xv) for prohibiting or regulating the removal of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things into, in, or out of an infected area;

(xvi) for prescribing and regulating the cleansing and disinfecting of infected areas or parts thereof, or of houses, buildings, rooms, or other places occupied by any diseased cattle or animals, or of carts to which diseased or suspected cattle have been attached;

(xvii) for declaring any cowshed, pasture, or other place, with or without any land or buildings thereto adjoining, to be an infected place, and for regulating the entry or approach of animals on or to such place and the movement of animals therefrom;

(xviii) for prohibiting or regulating the digging up of buried carcases;

(xix) for prohibiting or regulating the landing of men or cattle or animals from vessels either absolutely or conditionally and for prescribing the fees to be paid to officers appointed to examine such cattle or animals;

(xx) for establishing and maintaining quarantine and inoculation stations for cattle and animals and for regulating or delegating the regulation of the management of the same, for the imposition, recovery, and disposal of fees for the use of such stations, for compelling cattle and animals to enter such stations, and for providing for the compulsory preventive inoculation of cattle or animals, and for the

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compulsory testing or inoculation of suspected cattle or animals for the purpose of detecting the presence or diagnosing the nature of any disease ;

(xxi) for destroying, with or without compensation or with partial compensation as may be expedient, diseased or suspected cattle or animals ;

(xxii) for prescribing the mode of ascertainment of the value of an animal destroyed or liable to be destroyed under these regulations ;

(xxiii) for regulating applications for, and the mode of payment of compensation to be made out of money provided by Parliament ;[1]

(xxiv) for making post-mortem examinations of the bodies of animals which have died of disease or have been destroyed under the authority of this Ordinance ;

(xxv) for prescribing modes of cleansing and disinfecting ;

(xxvi) for protecting cattle or animals from unnecessary suffering during inland transit ;

(xxvii) for securing a proper supply of water and food to cattle or animals during any detention thereof ;

(xxviii) for the appointment of officers to carry out the provisions of this Ordinance, or of any regulations or orders made thereunder, and for regulating their duties and conduct, and for investing them with powers necessary for the due execution of their duties ;

(xxix) for prescribing the publication of any regulations or orders made under this Ordinance, and for prescribing and regulating the form and mode of service or delivery of notices and other documents ;

(xxx) generally for the better execution of this Ordinance or for the purpose of in any manner preventing the introduction or spread of disease.

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(2) Every regulation made by the Minister [1] under this section shall be published in the Gazette and shall come into operation upon such publication.

(3) Every regulation made by the Minister [1] shall be brought before the Senate and the House of Representatives [1] as soon as may be after the publication thereof by a motion that such regulation shall be approved. [1]

(4) Any regulation which the Senate or the House of Representatives [1] refuses to approve shall be deemed to be rescinded but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation. The date on which a regulation shall be deemed to be so rescinded shall be the date on which the Senate or the House of Representatives [1] refuses to approve the regulation.

(5) Notification of the date on which any regulation made by the Minister [1] is deemed to be so rescinded shall be published in the Gazette.

(6) Any regulation made by the Minister [1] shall, when approved by the Senate and the House of Representatives,[1] be as valid and effectual as if it were herein enacted. Notification of such approval shall be published in the Gazette.

Offences under this Ordinance.

10. If any person without lawful authority or excuse does or omits to do anything which, under the provisions of this Ordinance or of any regulations or orders made thereunder, he ought not to do or omit, or if he obstructs or impedes or assists in obstructing or impeding any officer appointed under this Ordinance, or any headman or police officer in the execution of this Ordinance or of any regulation or order made thereunder, he shall be guilty of an offence against this Ordinance.

Punishment.

11. (1) If any person is guilty of an offence against this Ordinance or any regulation made thereunder, he shall be liable on conviction before a Magistrate to imprisonment of either description for a term not exceeding six months, or to a fine not exceeding one hundred rupees.

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(2) Nothing in this section contained shall affect the liability of any person to any punishment or penalty to which he is liable under any enactment other than this Ordinance, but so that a person shall not be punished twice for the same offence.

Vexatious conduct of officers.

12. Every person acting under the authority of this Ordinance who shall, under pretence of performing any act under the authority of this Ordinance, use any unnecessary violence, or give any uncalled for and vexatious annoyance, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding fifty rupees.

Duties of inspectors and police officers.

13. (1) When a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Ordinance, any officer appointed under this Ordinance, or any stock inspector or veterinary officer, or any headman or police officer may, without warrant, stop and detain him, and if his name and address are not given by him may, without warrant, apprehend him.

(2) If any person obstructs or impedes any officer appointed under this Ordinance, or any stock inspector or veterinary officer, or any headman or police officer, in the execution of his duties under this Ordinance or under any regulation or order made thereunder, or assists in any such obstructing or impeding, he may be apprehended by such officer, headman, or police officer without warrant.

(3) A person apprehended under this section shall be taken forthwith before a Magistrate.

(4) Nothing in this section shall take away or abridge any power or authority that a police officer would have had if this section had not been enacted.

Rural Court may try cases of first offences.

14. In the case of a first offence against this Ordinance, it shall be lawful for any Rural Court, within the limits of whose jurisdiction such offence is committed, to try the offender if an "inhabitant",* and to impose such penalty as a Rural Court has power to inflict.

* See section 3 (now repealed) of Ordinance No. 9 of 1924.

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When may part of fine be paid to Police Reward Fund or Headmen's Reward Fund.

15. Where a prosecution under this Ordinance is instituted by a police officer or a village headman, the court may direct that one-half of any fine recovered in the case shall be paid into the Police Reward Fund or the Headmen's Reward Fund, respectively.

Enforcement of duties under the Ordinance.

16. (1) If any person neglects or omits—

(*a*) to perform any act which, under this Ordinance or under any regulations made thereunder, it is his duty to perform with regard to the isolation, separation, destruction, or burial of cattle or animals, or with regard to the disinfection or cleansing of any place or building or otherwise ; or

(*b*) to comply forthwith with any order lawfully given in the exercise of his powers under this Ordinance, or under any regulation made thereunder by the Government Agent or by any officer appointed to carry out this Ordinance,

the Government Agent or any such officer may cause such act or order to be carried out at the cost and charge of the person by whom the same ought to have been executed.

(2) In any such case the cost and expenses incurred in and about the carrying out of the act or order shall be certified by the Government Agent under his hand to the nearest Magistrate, and shall be recoverable in the same way as if it were a fine imposed by the Magistrate. All sums recovered by a Magistrate under this section shall be paid by him to the Government Agent, in order to defray the expenses incurred.

Officers to be public servants.

17. Officers exercising any of the powers conferred on them by the provisions of this Ordinance shall be deemed public servants within the meaning of the Penal Code.

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Execution of Ordinance or regulations may be delegated to local authority.

18. The Minister[1] may, by notification in the Gazette, delegate the enforcement and execution of any provisions of this Ordinance or of any regulation or order made under this Ordinance to the Mayor of any Municipal Council, or the Chairman of any Urban Council or Town Council, and may authorize such Mayor or Chairman to exercise and perform within Municipal, Urban, or Town Council limits all or any of the powers and duties vested and imposed on the Government Agent under this Ordinance, subject to such restrictions as the Minister[1] may from time to time think fit to impose.

SCHEDULE

[Section 2.]

SINHALESE AND TAMIL NAMES OF DISEASES

	Sinhalese	*Tamil*
Rinderpest ..	Wasangata-roga ..	Mattukotari or Mattupedi
Foot-and-mouth disease ..	Kuraleda or Kataleda ..	Kalnoi or Vainoi

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CHAPTER 471

ELEPHANT KRAALS

AN ORDINANCE TO MAKE PROVISION FOR THE REGULATION OF ELEPHANT KRAALING.

Ordinance No. 1 of 1912, *Act* No. 22 of 1955.

[*29th April, 1912.*]

1. This Ordinance may be cited as the Elephant Kraal Ordinance. Short title.

2. In this Ordinance, unless there is something repugnant in the subject or context— Interpretation.

"elephant kraal" and "kraal" mean a pen or other enclosure or any kind of stockade erected for the purpose of capturing wild elephants;

"elephant kraaling" and "kraaling" mean the capture in a kraal of wild elephants, and also all or any of the steps, acts, arrangements, and preparations necessary and intended for the capture in a kraal of wild elephants.

3. From and after the coming into operation of this Ordinance elephant kraaling is prohibited, except with the sanction of the Minister,[1] and any person acting in contravention of the provisions of this section shall be guilty of an offence, and liable on conviction to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term which may extend to six months, or to both. Kraaling prohibited without the sanction of the Minister.

4. (1) The Minister[1] may, by notification in the Gazette, make such rules as to him may appear necessary for the regulation of elephant kraaling. Power to Minister to make rules for the regulation of kraaling.

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(2) In particular, and without prejudice to the generality of the power in the preceding subsection contained, such rules may—

(*a*) prescribe the conditions under which sanction to kraal elephants will be granted under section 3 ;

(*b*) prescribe the fees payable by an applicant to whom sanction is issued to kraal elephants ;

(*c*) prescribe the radius from a kraal within which no person, except those designated in the rule, may enter or pass without a permit in writing from the Government Agent of the administrative district within which the kraal is erected ;

(*d*) prescribe the conditions under which such permit shall be issued ;

(*e*) prohibit the putting up of huts, stands, or other buildings or erections within a prescribed radius without a permit in writing from the Government Agent aforesaid ;

(*f*) prescribe the conditions under which such permit shall be issued.

(3) Such rules as aforesaid may be made not only to apply to kraals and elephant kraaling generally, but also to the case of any particular kraal about to be erected, or any particular kraaling operations about to take place at any particular locality.

Penalty for infringement of rules.

5. Any person committing a breach of the said rules shall be guilty of an offence, and be liable on conviction to a fine not exceeding one hundred rupees, or to imprisonment of either description for a period which may extend to three months, or to both ; and it shall be lawful for any police officer not below the rank of inspector, or any person authorized in writing by the Government Agent, without a warrant, to arrest or cause to be arrested any person found within a prohibited area and refusing to quit the same when required to do so, and to take him into his custody to be taken before a Magistrate's Court to be dealt with

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according to law, or to remove or cause to be removed such person outside the prohibited area and to prevent him from re-entering the same, and also to prevent all other persons not legally entitled to do so from entering the prohibited area, and also to remove or cause to be removed all huts, stands, and other buildings unlawfully erected within the same.

Ordinance not to apply to kraaling by persons to whom right to kraal at particular localities has been conceded by Government.

6. The provisions of this Ordinance shall not apply to elephant kraaling by any person who by the production of documents or other evidence satisfies the Minister [1] that the right to kraal elephants at any particular locality has been conceded to him by the Government, and obtains a writing under the hand of the Minister [1] certifying to such concession and setting forth the nature and extent of the right conceded.

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CHAPTER 472

BUFFALOES PROTECTION

Ordinances Nos. 17 of 1920, 61 of 1939, 3 of 1946, 29 of 1947,

Act No. 22 of 1955.

AN ORDINANCE TO REGULATE AND CONTROL THE SLAUGHTER OF BUFFALOES.

[*30th July, 1920.*]

Short title.

1. This Ordinance may be cited as the Buffaloes Protection Ordinance.

Interpretation.

2. In this Ordinance, unless the subject or context otherwise requires—

"local authority" denotes a person falling under any of the descriptions hereinafter following, namely :—

(*a*) within the limits of a Municipality, Urban Council, or Town Council, the Mayor or Chairman of such Council ;

(*b*) outside the limits of a Municipality, Urban Council, or Town Council and within the limits of an administrative district, the Government Agent thereof.

Rules.

3. (1) The Minister [1] may, in respect of the whole of Ceylon or of any particular area or areas therein, make rules for restricting, controlling, and regulating the slaughter of buffaloes, and, without prejudice to the generality of the powers so conferred, such rules may—

(*a*) prohibit the slaughter of buffaloes, except on the permit of the local authority ;

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(*b*) prohibit the removal of buffaloes or the transport of buffalo meat from one area to another except on the permit of the local authority ;

(*c*) prescribe the form of permits to be issued ;

(*d*) authorize such local authorities to grant or refuse such permits absolutely or upon conditions.

(2) All rules made under the provisions of this section shall be published in the Gazette, and when published shall have the same force and effect as if they had been enacted in this Ordinance.

Application to whole of Ceylon or part thereof by Order.

4. In any case in which it appears expedient so to do, the Minister [1] may, by Order [1] to be published in the Gazette, with respect to the whole of Ceylon or any part thereof, prohibit the slaughter of buffaloes as and from a day to be appointed therein ; and, so long as such Order [1] shall remain in force, the rules, if any, made under section 3 hereof shall be deemed to be suspended in so far as they are inconsistent with such Order. [1]

Penalties.

5. Any person committing any breach of any rule made under this Ordinance, or acting in contravention of an Order [1] made under the provisions of section 4 hereof, shall be guilty of an offence, and liable on summary conviction before a Magistrate to a fine not exceeding five hundred rupees, or to imprisonment of either description for any period not exceeding six months, or both.

Ordinance not to apply to buffaloes specially imported for slaughter.

6. This Ordinance shall not apply to buffaloes specially imported into Ceylon for the purpose of slaughter, provided the buffaloes so imported are slaughtered within two months of importation. The onus of proving that any particular buffalo was so imported for the purpose of slaughter shall lie on the person who affirms it.

M 69——J. N. R 7598 (4/60)

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CHAPTER 473

BRANDING, SALE, AND TRANSFER OF CATTLE

Ordinances Nos. 10 of 1898, 1 of 1900, 25 of 1917, 4 of 1925, 42 of 1942, 12 of 1945,

Act No. 22 of 1955.

AN ORDINANCE TO MAKE PROVISION FOR THE BRANDING, SALE, AND TRANSFER OF CATTLE.

[*28th July, 1898.*]

Short title.

1. This Ordinance may be cited as the Cattle Ordinance.

Interpretation. [§ 2, 42 of 1942.]

2. In this Ordinance, unless the context otherwise requires—

"branding district" means any area declared to be a branding district under section 6;

"cattle" means bulls, cows, bullocks, buffaloes, heifers, steers and calves;

"prescribed" means prescribed by regulation made under section 3.

Power to make regulations.

3. The Minister [1] may, from time to time make, and when made revoke or vary, such regulations as may seem necessary or expedient for the sale, removal, registration, and branding of cattle, for the prevention of cattle stealing, and for the issue of cattle vouchers.

Matters in respect of which regulations may be made.

4. The regulations made under section 3 may provide amongst other things—

(i) for prohibiting the sale or transfer of cattle except upon a voucher as near as is material in the form A in the Schedule, certified by an officer appointed for the purpose;

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(ii) for filling the duplicate of vouchers issued by any officer appointed under the provisions of this Ordinance ;

(iii) for prohibiting the removal of cattle for agricultural purposes, or for tending, milking, or grazing, or for use in a *tavalam*, except upon a permit in the prescribed form ;

(iv) for the issue of vouchers in the form A in the Schedule, and for the custody of registers of cattle branded ;

(v) for prohibiting the alteration of or addition to, defacement, or destruction of any voucher or permit ;

(vi) for prohibiting the possession by any person of any voucher or permit for the removal of cattle, unless such person have in his possession a head of cattle corresponding to such voucher or certificate of removal ;

(vii) for prescribing the circumstances under which a voucher or permit may be dispensed with ;

(viii) for prescribing the additional facts to be inserted in a permit when a head of cattle is removed to be tended for share ;

(ix) for prescribing the circumstances under which an owner of cattle not holding a voucher may obtain a voucher after proof of title ;

(x) for the fixing, by the prescribed authority and in the prescribed manner, of the place or places in each branding district where cattle of such a district shall be brought to be branded ; [§ 4, 42 of 1942.]

(xi) for the fixing, by the prescribed authority and in the prescribed manner, of the days in each quarter of the year in which cattle may be branded in each branding district ; [§ 4, 42 of 1942.]

(xii) for prohibiting the branding of cattle in any branding district except at the place or places and on the days fixed for the branding of cattle in such district ;

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(xiii) for requiring notice of such places and dates being given in such district ;

(xiv) for compelling owners of cattle within such district to produce all unbranded cattle which by the regulations are required to be branded, and which are above the age of eighteen months, at the places and on the dates fixed for the branding of cattle ;

(xv) for requiring the presence of each village headman within a branding district at the place fixed for the branding of the cattle of his village on each of the days fixed for branding ;

(xvi) for prohibiting the branding of cattle from any village except in the presence of the headman of such village ;

(xvii) for prohibiting the branding of cattle owned by the headman of any village except in the presence of a headman of an adjoining village ;

(xviii) for directing the officer authorized to brand cattle to satisfy himself before branding a calf that such calf is the produce of the dam produced ;

(xix) for compelling each branding officer to keep a register as near as is material in the form B in the Schedule hereto of all cattle branded by him, and to insert in such register a description of each animal branded ;

(xx) for prohibiting the altering, defacing, or adding to of any brand, or the rebranding of any head of cattle, without the special permission in writing of the President of the Rural Court or the Magistrate having jurisdiction over the place where the animal is kept ;

(xxi) for prescribing the circumstances under which branding by caste marks and for sickness may be effected, and for prohibiting branding merely for ornamental purposes ;

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(xxii) for authorizing and requiring the seizure by the police and headmen, and the production before the President of the Rural Court, or if there is no Rural Court before the Magistrate, of all stray cattle, cattle not branded in conformity with the regulations, cattle for which proper vouchers or permits for removal cannot be produced, or cattle bearing altered or defaced brands, and for authorizing the sale of such cattle when there is no claimant, or when the President of the Rural Court or Magistrate is not satisfied that they are the lawful property of the claimant ;

(xxiii) for the transmission of the duplicates of cattle vouchers and permits for removal, and of the registers of cattle branded, to the Government Agent of the administrative district in which the vouchers, permits for removal, or registers were written ;

(xxiv) for prohibiting the possession by any unauthorized person of brands similar to those used for communal branding ;

(xxv) for fixing the fees to be paid for the branding of cattle, the issue of vouchers for the registering of cattle, and the issue of a copy of an entry in a branding register ; [§ 4, 42 of 1942.]

(xxvi) for the appointment of officers to carry out the provisions of this Ordinance ; and

(xxvii) for prescribing the area within which any regulation made under this Ordinance shall be in force : [§ 4, 42 of 1942.]

Provided always that nothing in this section contained shall in any way restrain or be construed to restrain the generality of the powers conferred on the Minister [1] by section 3 ; but such powers shall extend to all matters, whether similar or not to those in this section mentioned, as to which it may be expedient to make regulations for the better carrying into effect of the objects of this Ordinance.

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Approval and ratification of regulations. [§ 5, 42 of 1942.]

5. No regulation made under section 3 shall have effect until it has been approved by the Senate and the House of Representatives[1] and notification of such approval is published in the Gazette. Every regulation shall upon notification of such approval be as valid and effectual as if it were herein enacted.

Branding districts and communal brandmarks. [§ 6, 42 of 1942.]

6. The Minister[1] may, from time to time by Notification published in the Gazette, declare any area to be a branding district for the purpose of branding cattle and fix a communal brandmark for each such district.

Exemption from regulations relating to branding. [§ 7, 42 of 1942.]

7. The Minister[1] may, from time to time by Notification published in the Gazette, exclude any particular description of cattle from the operation of any one or more of such regulations relating to the branding of cattle:

Provided that if and whenever the owner of such cattle desires to brand them or any of them, such cattle shall only be branded in accordance with the regulations in force in the area within which such cattle are kept.

Penalty for unlawful possession of cattle without voucher or permit.

8. Any person having in his possession, without a voucher or permit for removal, cattle for the possession of which a voucher or permit for removal is rendered necessary by the regulations made under section 4, shall, unless he satisfy the Magistrate that he is lawfully entitled to the possession of such cattle (the burden of proving which shall be upon such person), be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees, and in default of payment to imprisonment, rigorous or simple, for any period not exceeding three calendar months.

Other offences.

9. If any person without lawful authority or excuse (proof whereof shall lie on him) contravenes any regulation made under this Ordinance, or does or omits to do anything which under the provisions of this

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Ordinance or of any regulations made thereunder he ought not to do or omit ; or if he obstructs or impedes or assists in obstructing or impeding any officer appointed under this Ordinance to brand or register cattle, or any headman or police officer in the execution of any provision of this Ordinance or of any regulation made thereunder, he shall be guilty of an offence against this Ordinance, and shall be liable to a fine not exceeding twenty rupees, or to imprisonment, rigorous or simple, for a period not exceeding fourteen days.

Every prosecution for an offence under this section may be prosecuted before the Rural Court or Magistrate's Court having territorial jurisdiction to entertain the same.

SCHEDULE

Form A

CATTLE VOUCHER

[Section 4.]

No. ——. (*In foil and counterfoil.*) *———— District.

Issued to ———— *on the* ———— *day of* ————, *19*—.

1. Description of animal :
   1 Colour, 2 Age, 3 Kind, 4 Sex, 5 Peculiarity, 6 Brandmarks .. ..
2. The name and the residence of the seller or donor .. .. ..
3. The name and residence of the person receiving .. .. ..
4. Whether the animal was born in the fold of the seller or donor ; if not, how acquired
5. Description of previous vouchers, if any ..
6. The village where the animal was kept before the transfer .. ..
7. The place to which it is to be removed ..
8. The date of this voucher, and the place where it is executed .. ..
9. Signature of the seller or donor ..
10. Signature of the person receiving ..
11. Signature and name of attesting headman ..
12. Names and signatures of the two witnesses

N.B.—No subsequent sale of the animal referred to herein shall be the subject of endorsement on this voucher, but such sale must be on a fresh voucher, to the counterfoil of which all former vouchers must be attached.

* *Original to be delivered to the purchaser ; duplicate to be given to the kachcheri.*

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Form B

[Section 4.] REGISTER OF CATTLE BRANDED

In presence of the Village Headman of ———,
in ——— Korale.

No.	Full Name of Owner or Owners	Village	Black Cattle or Buffalo	Sex	Age at time of Branding	Brands in full, i.e., Communal Brand and other Brands		Owner's Title i.e., whether, born in Pinfol or, if not, howd acquired, and Number of Certificate, if any
						Right	Left	

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CHAPTER 474

CATTLE TRESPASS

AN ORDINANCE TO AMEND THE LAW RELATING TO CATTLE TRESPASS.

Ordinances
Nos. 9 of 1876,
8 of 1909,
20 of 1928,
16 of 1930,
12 of 1941,
55 of 1941,
12 of 1945,

Acts
Nos. 24 of 1949,
22 of 1955.

[*20th November, 1876.*]

Short title.

1. This Ordinance may be cited as the Cattle Trespass Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

[§ 2, 12 of 1941.]

"aerodrome" means any definite and limited ground or water area intended to be used, either wholly or in part, for the landing or departure of aircraft ;

"animal" means, except when it is otherwise expressed, cattle, sheep, goats, and swine ;

"cattle" means bulls, cows, oxen, heifers, calves, and buffaloes ;

"duly authorized person" means any person specially or generally authorized to act under the provisions of this Ordinance by the Government Agent for the administrative district wherein such person resides ;

"irrigation works" means tanks, bunds, anicuts, sluices, channels, and other works used for irrigation purposes ;

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[§ 2, 12 of 1941.]

"saltern" means any salt pan or salt *lewaya* and includes any area for the time being declared under the Salt Ordinance to be a protected area for the purposes of that Ordinance.

Power to exempt provinces, &c., from operation of certain sections of Ordinance.

3. (1) Sections 4A, 5A, 6A, 7A, 9A, 10A, 12A, 13A, and 14A, shall have no force or effect in any province, administrative district, or other area in Ceylon in respect of which an Order under subsection (2) is not in force.

(2) The Minister[1] may, by Order published in the Gazette, exempt any province, administrative district, or other area in Ceylon from the operation of sections 4, 5, 6, 7, 9, 10, 12, 13 and 14 and may from time to time revoke or vary any such Order.

(3) Where any Order has been made under the preceding subsection, sections 4A, 5A, 6A, 7A, 9A, 10A, 12A, 13A and 14A shall, so long as such Order remains in force, have effect in the province, administrative district, or other area to which the Order relates.

Animals trespassing on lands may be seized.

4. It shall be lawful for any proprietor or occupier (or any other person by his direction) of any land to seize any animals found trespassing therein or thereupon and to tie up and detain them until the damages, if any, occasioned by such trespass, assessed in manner hereinafter mentioned, and the fair expense of the keep of such animals during their lawful detention, shall be paid or recovered as hereinafter mentioned.

Animals trespassing on fenced or cultivated lands may be seized.

4A. It shall be lawful for any proprietor or occupier (or any other person by his direction) of any land, which shall be fenced in such manner as the local custom may prescribe, and of any land under cultivation, whether fenced or not, if by local custom no fence is prescribed, to seize any animals found trespassing therein or thereupon and to tie up and detain them until the damages, if any, occasioned by such trespass, assessed in manner hereinafter mentioned, and the fair expense of the keep of such animals during their lawful detention shall be paid or recovered as hereinafter mentioned.

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5. It shall be lawful for any duly authorized person to seize any animals found trespassing in or upon any irrigation works or aerodrome or saltern or line of railway or land appertaining thereto, and, if unable to seize them while so trespassing, to pursue and seize them elsewhere and to tie them up and detain them, until the damages, if any, occasioned by such trespass, assessed in manner hereinafter mentioned, and the fair expense of the keep of such animals during their lawful detention, shall be paid or recovered as hereinafter mentioned.

Animals found trespassing on irrigation works or aerodrome or saltern or line of railway or land appertaining thereto may be seized or pursued off the works, &c., and seized.
[§ 3, 12 of 1941.]

5A. It shall be lawful for any duly authorized person to seize any animals found trespassing in or upon any irrigation works or aerodrome or saltern and, if unable to seize them while so trespassing, to pursue and seize them elsewhere and to tie them up and detain them, until the damages, if any, occasioned by such trespass, assessed in manner hereinafter mentioned, and the fair expense of the keep of such animals during their lawful detention shall be paid or recovered as hereinafter mentioned.

Animals found trespassing on irrigation works or aerodrome or saltern may be seized or pursued off the works, &c., and seized.
[§ 3, 12 of 1941.]

6. The owner or person in charge of any animals trespassing as aforesaid shall, in the case of such private lands as aforesaid, be liable to pay to the proprietor or occupier thereof, and in the case of such irrigation works or aerodrome or saltern or line of railway or land appertaining thereto as aforesaid, be liable to pay to the Government Agent of the administrative district within which such work, aerodrome, saltern, line of railway or land appertaining thereto is situated, the full amount of the damages, if any, occasioned by such trespass, assessed in manner hereinafter mentioned; and he shall be further liable to pay the fair expense of the keep of the animals to the person by whom such animals are detained.

Liability of owner of stray animals for damages, and penalty.
[§ 3, 12 of 1941.]
[§ 2, 24 of 1949.]

6A. The owner or person in charge of any animals trespassing as aforesaid shall, in the case of such private lands as aforesaid, be liable to pay to the proprietor or occupier thereof, and, in the case of such irrigation works or aerodrome or saltern as aforesaid, be

Liability of owner of stray animals for damages and penalty.
[§ 3, 12 of 1941.]

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liable to pay to the Government Agent of the administrative district, within which such work, [§ 2, 24 of 1949.] aerodrome, saltern, line of railway or land appertaining thereto is situated, the full amount of the damages, if any, occasioned by such trespass, assessed in manner hereinafter mentioned ; and he shall be further liable to pay the fair expense of the keep of the animals to the person by whom such animals are detained.

Procedure.

7. (1) Notice of the seizure of such animals shall, with as little delay as possible, be given to some police constable or local headman having jurisdiction in the district, or to some irrigation headman elected or appointed under the Irrigation Ordinance, for the irrigation district or the area thereof within which the trespass occurred, who shall, as soon as may be, inspect the spot where the damage has been done, and the animals which have been seized, and with the assistance of three or more respectable persons of the neighbourhood, if their attendance can be procured (otherwise, without such assistance), endeavour to ascertain to whom the animals belong, and assess the amount of damages sustained by such trespass, and shall forthwith, in the case of trespass upon private lands, furnish the proprietor or occupier thereof or some other person in his behalf, and in the case of [§ 4, 12 of 1941.] any irrigation works or aerodrome or saltern or line of railway or land appertaining thereto, furnish some duly authorized person or some other person on his behalf, with a report of the particulars of the trespass, the amount of such assessment, and the names of the owners of the animals, if such have been ascertained, and also the names of the persons by whom such assessment shall have been made. The police constable or headman shall, unless the amount of the assessment be immediately paid, take charge of the animals so seized, and if the owner or person entitled to the charge thereof at the time of the trespass shall not, within forty-eight hours from the time of the police constable or headman so taking charge, tender the amount of damages so assessed as aforesaid and the fair and reasonable cost of keeping the said animals during detention, the proprietor or occupier of the land so

Animals trespassing on fenced or cultivated lands may be seized.

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trespassed upon or some other person in his behalf, or, in the case of trespass upon any irrigation works or aerodrome or saltern or line of railway or land appertaining thereto, some duly authorized person, shall produce before the Magistrate's Court or Rural Court, if any, having jurisdiction in the district, the aforesaid report, which, if verified by the oath or affirmation of such constable or headman in open court, shall be received in evidence; and the said Magistrate's Court or Rural Court after causing such notice to be served upon or left at the last known place of abode of the owner of the animals when such owner has been ascertained, as such Magistrate's Court or Rural Court shall deem reasonable, or, if such owner has not after reasonable inquiry been ascertained, then without any notice, summarily inquire into the case and, after hearing such evidence as to the Magistrate's Court or Rural Court may seem expedient, shall award such damages as shall have been proved to have been sustained, together with the fair and reasonable costs and charges for keep during the detention, and the said damages and costs and charges, unless within twenty-four hours paid, shall be levied by sale of the animals so seized, and, if necessary, by distress on the other property of the person liable to pay the same as aforesaid, and shall be paid to the person or persons entitled thereto. [§ 4, 12 of 1941.] [§ 3, 24 of 1949.]

(2) In any case where any animal is detained by any police constable or headman under subsection (1) the owner or other person entitled to the custody of that animal at the time of the trespass may, at any time before the date on which an inquiry into the case is held under that subsection by a Magistrate's Court or Rural Court and pending the final determination of the case, deposit with such constable or headman the amount of the damages sustained by such trespass as assessed by such constable or headman and of the costs and charges for keeping the animal during the period of such detention; and upon such amount being deposited, the constable or headman shall deliver the animal into the custody of the owner or other person making such deposit. [§ 2, 55 of 1941.]

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The amount so deposited shall be applied in payment of the damages, charges and penalty, if any, which may be awarded by the Magistrate's Court or Rural Court under subsection (1) ; and where no such award is made or where any balance remains after the payment of such damages and of the costs and charges, the amount so deposited or such balance, as the case may be, shall be refunded to the owner or other person by whom such amount was deposited.

[§ 3, 24 of 1949.]

(3) In any case where any animal is detained by any police constable or headman under subsection (1), and—

(*a*) the report of such constable or headman is not produced before the Magistrate's Court or Rural Court in accordance with the provisions of that subsection by the proprietor or occupier of the land trespassed upon or some other person on his behalf ; or

(*b*) such proprietor, occupier or other person fails to appear without reasonable cause before the Magistrate's Court or Rural Court on any date fixed for the inquiry into the case ; or

(*c*) the Magistrate's Court or Rural Court after inquiry refuses to award damages in respect of the trespass,

the Magistrate's Court or Rural Court may, upon application made in that behalf by the constable or headman, order that the person by whom notice of the seizure of such animal was given under subsection (1), shall pay to the constable or headman the fair and reasonable costs and charges for keeping the animal during the period of the detention ; and any sum so ordered to be paid shall be recovered from that person in the same manner as a fine imposed by the Magistrate's Court or Rural Court.

Procedure.

7A. (1) Notice of the seizure of such animals shall, with as little delay as possible, be given to some police constable or local headman having jurisdiction in the district, who shall, as soon as may be, inspect the spot, where the damage has been done, and the animals,

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which have been seized, and with the assistance of three or more respectable persons of the neighbourhood, if their attendance can be procured (otherwise, without such assistance), endeavour to ascertain to whom the animals belong and assess the amount of damages sustained by such trespass, and shall forthwith, in the case of trespass upon private lands, furnish the proprietor or occupier thereof or some other person in his behalf and, in the case of any irrigation works or aerodrome or saltern, furnish some duly authorized person or some other person on his behalf with a report of the particulars of the trespass, the amount of such assessment and the names of the owners of the animals, if such have been ascertained, and also the names of the persons by whom such assessment shall have been made. The police constable or headman shall, unless the amount of the assessment be immediately paid, take charge of the animals so seized, and, if the owner or person entitled to the charge thereof at the time of the trespass shall not, within forty-eight hours from the time of the police constable or headman so taking charge, tender the amount of damages so assessed as aforesaid and the fair and reasonable cost of keeping the said animals during detention, the proprietor or occupier of the land so trespassed upon or, in the case of trespass upon any irrigation works or aerodrome or saltern, some duly authorized person shall produce before the Magistrate's Court or Rural Court, if any, having jurisdiction in the district the aforesaid report, which, if verified by the oath or affirmation of such constable or headman in open court, shall be received in evidence; and the said Magistrate's Court or Rural Court, after causing such notice to be served upon or left at the last known place of abode of the owner of the animals, when such owner has been ascertained, as such Magistrate's Court or Rural Court shall deem reasonable, or, if such owner has not after reasonable inquiry been ascertained, then without any notice, summarily inquire into the case and, after hearing such evidence as to the Magistrate's Court or Rural Court may seem expedient, shall award such damages as shall have been proved to have been sustained, together with the fair and reasonable costs

[§ 4, 12 of 1941.]

[§ 4, 12 of 1941.]

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[§ 3, 24 of 1949.] and charges for keep during the detention, and the said damages and costs and charges, unless within twenty-four hours paid, shall be levied by sale of the animal so seized and, if necessary, by distress on the other property of the person liable to pay the same as aforesaid and shall be paid to the person or persons entitled thereto.

[§ 2, 55 of 1941.] (2) In any case where any animal is detained by any police constable or headman under subsection (1), the owner or other person entitled to the custody of that animal at the time of the trespass may, at any time before the date on which an inquiry into the case is held under that subsection by a Magistrate's Court or Rural Court and pending the final determination of the case, deposit with such constable or headman the amount of the damages sustained by such trespass as assessed by such constable or headman and of the costs and charges for keeping the animal during the period of such detention; and upon such amount being deposited, the constable or headman shall deliver the animal into the custody of the owner or other person making such deposit.

The amount so deposited shall be applied in payment of the damages, charges and penalty, if any, which may be awarded by the Magistrate's Court or Rural Court under subsection (1); and where no such award is made or where any balance remains after the payment [§ 3, 24 of 1949.] of such damages and of the costs and charges, the amount so deposited or such balance, as the case may be, shall be refunded to the owner or other person by whom such amount was deposited.

(3) In any case where any animal is detained by any police constable or headman under subsection (1), and—

(*a*) the report of such constable or headman is not produced before the Magistrate's Court or Rural Court in accordance with the provisions of that subsection by the proprietor or occupier of the land trespassed upon or some other person on his behalf; or

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(*b*) such proprietor, occupier or other person fails to appear without reasonable cause before the Magistrate's Court or Rural Court on any date fixed for the inquiry into the case ; or

(*c*) the Magistrate's Court or Rural Court after inquiry refuses to award damages in respect of the trespass,

the Magistrate's Court or Rural Court may, upon application made in that behalf by the constable or headman, order that the person by whom notice of the seizure of such animal was given under subsection (1), shall pay to the constable or headman the fair and reasonable costs and charges for keeping the animal during the period of the detention ; and any sum so ordered to be paid shall be recovered from that person in the same manner as a fine imposed by the Magistrate's Court or Rural Court.

Penalty for offence of permitting animals to trespass.
[§ 4, 24 of 1949.]

8. (1) In every case where trespass by any animal is committed as herein before mentioned, the owner or person in charge of the animal shall, whether or not the proceedings prescribed by section 7 or section 7A have been commenced in respect of such trespass, be liable to be prosecuted in a Magistrate's Court or a Rural Court for the offence of permitting the animal to commit trespass, and on conviction thereof, be liable to such punishment, either by way of fine or imprisonment, as the court has jurisdiction to award.

Where in any such case, damage is proved to have been sustained in consequence of trespass by any animal, and the court is satisfied that the proceedings prescribed by section 7 or section 7A have not been commenced, the court may, upon application made in that behalf by the person entitled under section 6 or section 6A to payment of the amount of the damages arising by reason of such trespass, impose in addition to any other punishment a fine equal to the aggregate of—

(*a*) the amount which in the opinion of the court should be awarded as damages in respect of such trespass ; and

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(*b*) the fair and reasonable cost of keeping the animal during detention,

and may cause such sum, when recovered, to be paid to the person entitled as aforesaid.

(2) No proceedings under section 7 or section 7A in respect of any trespass by any animal shall be instituted in or entertained by any court in any case where a prosecution for such trespass has been previously instituted under subsection (1) of this section:

Provided that the institution of such prosecution shall not prejudice the maintenance or continuation of any proceedings previously instituted under section 7 or section 7A.

Liability of owners of stray animals which are not seized.
[§ 3, 12 of 1941.]

9. When, in the case of trespass on any private land, the proprietor or occupier thereof or other person acting in his behalf, and when, in the case of any trespass on any irrigation works or aerodrome or saltern or line of railway or land appertaining thereto, the person in charge thereof or other duly authorized person is unable to seize and secure animals trespassing as aforesaid, but can prove the trespass, and whose or in whose charge the said animals were at the time of such trespass, the owners or persons in charge thereof shall be liable, notice being given of the trespass in the manner directed in section 7 of this Ordinance, to the same damages, costs and charges as in the case of seizure, and the course of proceeding in respect thereof shall be similar, as far as the circumstances admit, to that prescribed by section 7.

[§ 5, 24 of 1949.]

Liability of owners of stray animals which are not seized.
[§ 3, 12 of 1941.]

9A. When, in the case of trespass on any private land, the proprietor or occupier or other person acting in his behalf, and when in the case of any trespass on any irrigation works or aerodrome or saltern, the person in charge thereof or other duly authorized person is unable to seize and secure animals trespassing as aforesaid, but can prove the trespass and whose or in whose charge the said animals were at the time of

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such trespass, the owners or persons in charge thereof shall be liable, notice being given of the trespass in the manner directed in section 7A of this Ordinance, to the same damages, costs and charges as in the case of seizure, and the course of proceeding in respect thereof shall be similar, as far as the circumstances admit, to that prescribed by section 7A. [§ 5, 24 of 1949.]

All rights under Ordinance forfeited, unless due notice is given to headman.

10. All right to the benefit of any of the provisions of this Ordinance shall be forfeited, unless the notice required by section 7 shall have been given within forty-eight hours from the time of seizure (if any) or of trespass (if no seizure) to some police constable or local headman or irrigation headman referred to in that section if any such shall be resident within ten miles, or if no police constable or headman be resident within that distance, then within a reasonable period after such seizure or trespass:

Common law rights reserved.

Provided always that nothing herein contained shall be held to take away or affect any right which the Crown or any person may have at common law for redress in respect of any damage sustained by trespass of animals.

All rights under Ordinance forfeited unless due notice is given to headman. Ordinance not to apply to unfenced lands, where custom requires a fence.

10A. All right to the benefit of any of the provisions of this Ordinance shall be forfeited, unless the notice required by section 7A shall have been given within forty-eight hours from the time of seizure (if any) or of trespass (if no seizure) to some police constable or local headman having jurisdiction in the district, if any such shall be resident within ten miles, or, if no police constable or headman be resident within that distance, then within a reasonable period after such seizure or trespass. And nothing herein contained shall be held to apply to any trespass on any private land, which shall not be protected by such fence as the local custom prescribes, if such custom prescribes any fence:

Common law rights reserved.

Provided always that nothing herein contained shall be held to take away or affect any right which the Crown or any person may have at common law for redress in respect of any damage sustained by trespass of animals.

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All cattle over eighteen months old to be branded.

11. Every person possessing cattle not already branded, and being eighteen months old or upwards, shall cause the same to be branded, and shall furnish in the month of January of every year a correct description of the mark or marks with which his cattle are branded, to the divisional revenue officer of the district wherein he resides, and in default thereof shall be liable to a penalty not exceeding twenty-five cents for every head of cattle not branded, and to a penalty not exceeding two rupees for every omission to furnish such description. It shall be the duty of such divisional revenue officer of the district to cause the description of such brandmarks and the names of the persons using the same to be entered in a book to be kept for that purpose, which book shall be transmitted to the kachcheri of his administrative district on or before the first of March in each year. The moiety of any penalty recovered under this section shall go to the informer:

Provided always that nothing in this section contained shall extend or be applicable to any divisional revenue officer's division or part thereof which shall be within the operation of the Village Communities Ordinance.

Penalty for removing, &c., cattle or animals from lawful custody.

12. (1) Any person without lawful right removing or taking away, or attempting to remove or take away, or causing to be removed or taken away, any cattle or animals from the custody of the person entitled to keep or detain the same under the provisions of this Ordinance shall be guilty of an offence, and shall be liable on conviction to a fine which may extend to fifty rupees, and in default of payment to rigorous imprisonment for a term not exceeding three months.

(2) Any offence under this section shall be triable either by the Magistrate's Court or by the Rural Court of the division in which the offence was committed. A Rural Court, in any case where the offender is subject to the criminal jurisdiction of a Rural Court, shall have power to pass sentences not exceeding a fine of twenty rupees, and in default of payment, rigorous imprisonment for a term not exceeding two weeks.

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12A. Any person without lawful right removing or taking away or causing to be removed and taken away any cattle from the custody of the person entitled to keep or detain the same under the provisions of the Ordinance, shall be guilty of an offence and liable on conviction to such punishment, as a Magistrate's Court has jurisdiction to award.

Penalty for unlawful removal.

13. Any person without lawful right driving any animals upon any land in the occupation of or cultivated by others, with intent that such animals should feed upon or otherwise injure any growing crop or produce thereof ; and any person driving any animals into or upon any irrigation works or aerodrome or saltern or line of railway or land appertaining thereto ; and any person driving the animals of others upon his own land or conniving at such animals being so driven, with intent to take proceedings for cattle trespass under the provisions of this Ordinance, shall be guilty of an offence, and liable on conviction to such punishment, as a Magistrate's Court has jurisdiction to award.

Penalty on causing animals to trespass.

[§ 3, 12 of 1941.]

13A. Any person without lawful right driving any animals upon any land in the occupation of or cultivated by others, with intent that such animals should feed upon or otherwise injure any growing crop or produce thereof ; and any person driving any animals into or upon any irrigation works or aerodrome or saltern ; and any person driving the animals of others upon his own land or conniving at such animals being so driven, with intent to take proceedings for cattle trespass under the provisions of this Ordinance, shall be guilty of an offence and liable on conviction to such punishment, as a Magistrate's Court has jurisdiction to award.

Penalty on causing animals to trespass.

[§ 3, 12 of 1941.]

14. It shall be lawful for the Government Agent or the Magistrate to grant permission in writing for the shooting of any stray cattle within his administrative district or division, if it shall be shown to his satisfaction that stray cattle are in the habit of trespassing

When stray cattle may be shot.

[§ 5, 12 of 1941.]

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[§ 6, 24 of 1949.] [§ 5, 12 of 1941.] upon or in any such private land as aforesaid, or any Crown land which is under cultivation, or any irrigation works or aerodrome, and cannot be seized or identified, so that the owner or owners thereof may be ascertained and proceeded against; and thereupon such Government Agent or Magistrate may, at his discretion, direct some fit person to proceed to such land or irrigation works or aerodrome; and such person, if after every reasonable exertion he shall find it impracticable to seize or identify such animals, then and not otherwise shall shoot or otherwise destroy the same or cause the same to be shot or otherwise destroyed in his presence; and this notwithstanding that in the endeavour to seize the animals they may [§ 5, 12 of 1941.] have been driven off such land or irrigation works or aerodrome:

Order for shooting not to be in force for more than one month.

Provided that such order shall not be in force for more than one month from the date thereof;

Pigs trespassing may be destroyed without any order.

Provided further that it shall at all times be lawful for any proprietor or occupier of any cultivated field or garden, or any other person by his direction, to destroy any pigs found straying therein; and for any duly authorized person to destroy any pigs found straying [§ 5, 12 of 1941.] in or upon any irrigation works or aerodrome or any land set apart or lawfully used for the recreation of the public;

Provided also that, where the Government Agent or Magistrate is satisfied that trespass by stray cattle is a serious menace to crops within his administrative district or division, and that the applicant for permission to shoot the same, being the owner of crops in the district or division, cannot reasonably afford the stamp duty required for such permission, he may dispense wholly or partially with the payment of stamp duty in respect of the permission granted, and any permission so granted and any order made thereupon shall remain in force for such period not exceeding three months from the date thereof, as the Government Agent or the Magistrate shall direct.

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When stray cattle may be shot.

14A. It shall be lawful for the Government Agent or the Magistrate to grant permission in writing for the shooting of any stray cattle within his administrative district or division, if it shall be shown to his satisfaction that stray cattle are in the habit of trespassing upon or in any such private land as aforesaid, or any Crown land which is under cultivation, or any irrigation works or aerodrome, and cannot be seized or identified, so that the owner or owners thereof may be ascertained and proceeded against; and thereupon such Government Agent or Magistrate may, at his discretion, direct some fit person to proceed to such land or irrigation works or aerodrome; and such person, if after every reasonable exertion he shall find it impracticable to seize or identify such animals, then and not otherwise shall shoot or otherwise destroy the same or cause the same to be shot or otherwise destroyed in his presence; and this notwithstanding that in the endeavour to seize the animals they may have been driven off such land or irrigation works or aerodrome :

[§ 6, 12 of 1941.]

[§ 6, 24 of 1949.]

[§ 6, 12 of 1941.]

Order for shooting not to be in force for more than one month.

Provided that such order shall not be in force for more than one month from the date thereof;

Pigs trespassing may be destroyed without any order.

Provided further that it shall at all times be lawful for any proprietor or occupier of any cultivated field or enclosed garden, or any other person by his direction, to destroy any pigs found straying therein; and for any duly authorized person to destroy any pigs found straying in or upon any irrigation works or aerodrome or any land set apart or lawfully used for the recreation of the public.

[§ 6, 12 of 1941.

Disposal of carcase.

15. The carcase of any stray animal shot under the provisions of section 14 or section 14A shall be the property of the owner of such animal, and he shall be entitled to remove the same; but if no owner be found, nor any claim made therefor by any person entitled to it, then the carcase shall be sold by the local headman where such animal was shot, and the proceeds of such sale shall be paid to the nearest kachcheri to be carried to the credit of the general revenue.

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Elephants or wild buffaloes trespassing on irrigation works or aerodrome may be destroyed at all times, without a licence.
[§ 7, 12 of 1941.]

16. It shall be lawful for any duly authorized person to shoot or otherwise destroy, at all times of the year and without any licence, any elephants or wild buffaloes found trespassing in or upon any irrigation works or aerodrome, anything in any enactment for the protection of elephants, and buffaloes, to the contrary notwithstanding.

Magistrate's Court or Rural Court may impose full amount of damages or penalty.

17. It shall be competent for the Magistrate's Court or Rural Court, taking cognizance of any case of trespass by animals under the provisions of this Ordinance, to award and impose the full amount of the damages, charges and penalties payable under sections 7, 7A, 8, 9, and 9A or any of them, notwithstanding that such amount might otherwise be beyond the jurisdiction of such Magistrate's Court or Rural Court to award or impose.

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CHAPTER 475

CRUELTY TO ANIMALS

AN ORDINANCE TO MAKE BETTER PROVISION FOR THE PREVENTION OF CRUELTY TO ANIMALS.

Ordinances Nos. 13 of 1907, 19 of 1912, 43 of 1917, 9 of 1919, 23 of 1921, 16 of 1927, 17 of 1930, 12 of 1945, *Act* No. 22 of 1955.

[*10th July, 1907.*]

Short title.

1. This Ordinance may be cited as the Prevention of Cruelty to Animals Ordinance.

Offence of cruelty.

2. (1) Any person who shall—

(*a*) cruelly beat, ill-treat, over-drive, over-ride, abuse, or torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, over-ridden, abused, or tortured, any animal ;

(*b*) by any act or omission cause unnecessary pain or suffering to any animal ; or

(*c*) convey or carry, or cause to be conveyed or carried, in any ship, boat, canoe, or in any vehicle, basket, box, or cage, or otherwise, any animal in such manner or position as to subject such animal to unnecessary pain or suffering,

Penalty.

shall be guilty of an offence, and shall be punished with a fine which may extend to one hundred rupees, or with imprisonment of either description for a term which may extend to three months, or with both.

(2) It shall be lawful for the Minister [1] to make rules as to the manner of keeping and treatment of animals.

(3) If any person contravenes any such rule, he shall be deemed for all purposes to have caused unnecessary pain or suffering to such animals.

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If animal found in any place suffering pain by reason of starvation, &c., owner guilty of an offence.

3. If any animal is found in any place suffering pain by reason of starvation, mutilation, or other ill-treatment, the owner of such animal, and any superintendent or manager of such owner, shall severally be guilty of an offence, and shall be punished with a fine which may extend to one hundred rupees, and in the case of a second or subsequent offence, with a fine which may extend to two hundred rupees, or with imprisonment of either description for a term which may extend to three months, or with both:

Provided, however, that it shall be a good defence to any such charge if the owner of such animal, or if any such superintendent or manager, proves to the satisfaction of the court that the condition of the animal was not due to any act, omission, neglect, or default on his part.

Penalty for killing animals with unnecessary cruelty.

4. If any person kills any animal in an unnecessarily cruel manner he shall be punished with fine, which may extend to one hundred rupees, or with imprisonment of either description for a term which may extend to six months, or with both.

Penalty for using animals unfit for labour.

5. If any person uses in any work or labour any animal which by reason of any disease, infirmity, wound, sore, or other cause is unfit to be so used, or permits any such unfit animal in his possession or under his control to be so used, he shall be punished with fine, which may extend to one hundred rupees, or with imprisonment of either description for a term which may extend to three months, or with both.

Power of Minister to appoint infirmaries for the treatment of animals.

6. (1) The Minister[1] may appoint any institution established in Ceylon for the treatment of sick or injured animals to be an infirmary for the treatment and care of animals in respect of which offences under this Ordinance have been committed.

(2) Every such infirmary shall be open to inspection at all reasonable hours by any officer authorized in that behalf by the Minister.

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(3) The Minister [1] may, whenever he thinks fit to do so, rescind any order made under subsection (1).

(4) The court before which a prosecution for such an offence has been instituted may direct that the animal in respect of which the offence is alleged or proved to have been committed shall be sent for treatment and care to an infirmary, and be there detained until it is, in the opinion of the court, again fit for the work or labour on which it has been ordinarily employed.

(5) The cost of the treatment, feeding, and watering of the animal in the infirmary shall be payable by the owner of the animal according to such scale of rates as the Government Agent of the administrative district may from time to time prescribe.

(6) If the owner refuses or neglects to pay such cost and to remove the animal within such time as the court may prescribe, the court may direct that the animal be sold, and the proceeds of the sale be applied to the payment of such costs.

(7) The surplus, if any, of the proceeds of sale shall, on application made by the owner within two months after the date of the sale, be paid to him ; and the deficit, if any, shall be recoverable from the owner by order of the court in the same manner as a fine, and when recovered shall be paid to the authorities of the infirmary.

Penalty for permitting diseased animals to die in any street.

7. If any person without reasonable excuse permits any diseased or disabled animal of which he is the owner to die in any street, he shall be punished with fine, which may extend to one hundred rupees, or in default to imprisonment of either description which may extend to three months.

Limitation of time for prosecution

8. A prosecution for an offence against this Ordinance shall not be instituted after the expiration of three months from the date of the commission of the offence.

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Power to Magistrate, &c., to direct destruction of suffering animals.

9. When any Magistrate, Superintendent, or Assistant Superintendent of Police, President of a Rural Court, or the divisional revenue officer of a division, has reason to believe that an offence under this Ordinance has been committed in respect of any animal, he may direct the immediate destruction of the animal, if in his opinion its sufferings are such as to render such a direction proper.

Municipal Veterinary Surgeon or any officer authorized by him may board any vessel in Colombo harbour and enter customs premises for inspecting any animals therein.

10. The Municipal Veterinary Surgeon or any officer authorized by him in writing to inspect diseased or disabled animals may board any vessel in Colombo harbour and may enter into the customs premises or any place appointed for the landing of cattle or the cattle mart or the quarantine station for the purpose of inspecting any animals therein and may destroy or order the immediate destruction of any animal found therein if the animal appears to him to be injured or diseased and, in his opinion, its sufferings are such as to render its immediate destruction proper.

Power to direct application of fines.

11. The Minister with the concurrence of the Minister of Finance[1] may, by Order notified in the Gazette, notwithstanding any statutory enactment inconsistent therewith, direct that the whole or any part of any of the fines recovered in respect of offences under this Ordinance, which shall have been prosecuted by any officer of any society established in Ceylon for the prevention of cruelty to animals, shall be paid to such society:

Provided that where in any area any such fines are by law or practice already appropriated to any public authority established in the area, such Order shall only take effect in the area subject to the consent of the public authority signified by resolution notified in the Gazette, and to the extent authorized by such resolution.

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Offences under the Ordinance to be cognizable offences.

12. All offences against this Ordinance shall be deemed to be cognizable offences within the meaning of the Criminal Procedure Code, and subject to all the provisions of the said Code relating to arrest without warrant:

Provided, however, that Rural Courts shall have concurrent jurisdiction with Magistrates' Courts to try all offences under this Ordinance ; and every Rural Court shall have power in respect of such offences to impose a fine not exceeding twenty rupees, or, in default of payment, imprisonment of either description for a term not exceeding two weeks.

Power to detain animals.

13. A peace officer may detain any animal in regard to which he shall have reasonable cause to believe that an offence under this Ordinance has been committed pending the trial of the offence, and in the event of a conviction the court may direct the reasonable cost of the maintenance of the animal pending the trial, to be recovered from the offender in the same manner as a fine.

Interpretation.

14. In this Ordinance, unless the context otherwise requires—

"animal" means any domestic or captured animal and includes any bird, fish, or reptile in captivity ; and

"street" includes any way, road, lane, square, court, alley, passage, or open space, whether a thoroughfare or not, to which the public have access.

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CHAPTER 476

RABIES

Ordinances Nos. 7 of 1893, 7 of 1906, 24 of 1921, 6 of 1929, 17 of 1930, 16 of 1934, 61 of 1939, 13 of 1941, 23 of 1946, 29 of 1947,
Acts Nos. 22 of 1955, 23 of 1956.

AN ORDINANCE TO PROVIDE FOR THE SUPPRESSION OF RABIES IN CEYLON.

[*2nd January, 1894.*]

Short title.

1. This Ordinance may be cited as the Rabies Ordinance.

Interpretation.

2. In this Ordinance, unless the subject or context otherwise requires—

"disease" means rabies, and "diseased" means affected with rabies ;

"police officer" includes inspectors, sergeants, and constables of police, and all headmen and peace officers ;

"stray dog" means any dog wandering at large and not being under the control or charge of any person ;

"suspected" means suspected of rabies, and "suspected animal" includes any animal which has been bitten by any diseased or suspected dog, or which has been in contact with any diseased or suspected animal, or which has been otherwise exposed to the infection of rabies.

Definition of local authority.

3. In this Ordinance, unless the subject or context otherwise requires, the expression "local authority" denotes a person falling under any of the descriptions hereafter following, namely:—

(*a*) within the limits of a Municipality, the Mayor of the Municipal Council ;

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(*b*) within the limits of an Urban Council or a Town Council, the Chairman of such Council ;

(*c*) outside the limits of a Municipality, Urban Council, or Town Council and within the limits of the administrative district, the Government Agent thereof ;

(*d*) every police officer and every person duly authorized in writing by the Mayor of a Municipal Council, or Chairman of an Urban Council or Town Council, or by the Government Agent to act in his behalf for the purpose of carrying out the provisions of this Ordinance.

All stray dogs to be seized.

4. Every local authority shall cause all stray dogs found within his jurisdiction to be seized, and such dogs shall be dealt with as follows :—

How to be dealt with.

(*a*) if the dog is not diseased or suspected, it shall be detained in some proper place and be there kept for such period as the local authority may think expedient, provided that where the owner or other person who had charge of the dog is known the local authority shall cause notice to be forthwith given to either of them of the seizure and detention of the dog, and upon receiving payment of the reasonable expenses incurred in respect of such seizure and detention shall deliver the dog to the person noticed or his agent, without prejudice however to the recovery of any penalty for the infringement of any of the provisions of this Ordinance ;

Unclaimed dogs.

(*b*) if the dog so seized and detained be not claimed within two days after the notice aforesaid has been served, or, in case no owner or other person is known to be in charge of the dog, within three days of such seizure, or in case of nonpayment of the reasonable expenses incurred in respect of such seizure and detention, it shall be competent to the local authority to cause the dog to be destroyed or otherwise disposed of in such manner as the local authority shall deem expedient.

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Person who knowingly suffers a dog to make such person's house its ordinary place of resort deemed to be the owner of such dog.

5. Every person who shall knowingly suffer a dog to make such person's house or premises its ordinary place of resort shall be deemed and held to be the owner of such dog for the purposes of this Ordinance, and shall be liable civilly and criminally for all mischief done and all acts of nuisance committed by such dog.

When may a person kill any dog.

6. It shall be lawful for any person to kill upon the spot any dog which shall attack him, and to pursue and kill any dog not being securely tied up or otherwise confined which he shall have reasonable ground to believe to be diseased.

Notice by owner or possessor of diseased dog or other animal to police officer.

7. (1) Every owner or other person having under his charge a dog or other animal which is diseased or suspected, or has been bitten by a dog or other animal reasonably suspected, shall cause such dog or animal to be securely tied or otherwise confined, and shall forthwith give notice of the fact of such dog or animal being so diseased, suspected, or bitten, to a police officer of the district wherein the dog or animal so diseased, suspected, or bitten, is or was.

Action to be taken on receiving a notice under subsection (1).

(2) The police officer receiving such notice shall forthwith transmit the information to the local authority specified in (*a*), (*b*), and (*c*) of section 3 of this Ordinance, who shall likewise inform the Director of Health Services and the Government Veterinary Surgeon.

Duty of police officer.

(3) It shall be the duty of every such police officer—

(*a*) to kill every dog or other animal which is diseased or which after any visit and inspection is found to have become diseased ;

(*b*) from time to time to visit and inspect any such suspected or bitten dog or other animal ;

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(*c*) after every visit and inspection to report the condition of such dog or other animal to the local authority specified in (*a*), (*b*), and (*c*) of section 3, within whose jurisdiction such dog or other animal is, and such local authority shall determine the time when such visits and inspection shall cease.

Police officer to proceed to place where rabies exists.

8. A police officer receiving credible information of the existence of rabies, or having reasonable ground to suspect the existence of rabies, shall forthwith proceed to the place where such rabies is reported to exist, and put in force the powers conferred on him by this Ordinance or by the regulations made thereunder.

Regulations.

9. It shall be lawful for the local authority specified in (*a*), (*b*), and (*c*) of section 3 of this Ordinance to give public warning by beat of tom-tom, and by such other means as he may deem expedient, of the existence of rabies within his jurisdiction, and it shall be lawful for any such local authority (subject to the approval of the Minister,[1]) from time to time or at any time to make, and when made revoke, add to, alter, and amend, regulations for the following purposes, or any of them :—

(*a*) for providing for the muzzling of dogs while in or on any public road or place, with such exemptions (if any) as the local authority may think fit ;

(*b*) for providing for the keeping of dogs under control by the owner or person in charge thereof in such manner as may be prescribed by such regulations ;

(*c*) for providing for the seizure, detention, and disposal, including destruction, of dogs not being kept under control in the manner prescribed by such regulations ;

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(*d*) for providing for the recovery by the local authority of the expenses incurred in respect of the detention of any dog seized and detained and disposed of under any such regulations from the owners thereof;

(*e*) for prohibiting or regulating the holding of shows or exhibitions of dogs, and the exposing of dogs for exhibition or sale thereat;

[§ 2, 13 of 1941.] (*f*) for the establishment within the jurisdiction of any such local authority of inoculation stations for the inoculation or testing of dogs or suspected animals and for the regulation, management and control of such stations;

[§ 2, 13 of 1941.] (*g*) for the compulsory testing of dogs or suspected animals in order to detect the presence of rabies; for the compulsory preventive inoculation against rabies of dogs or suspected animals; and for the imposition and recovery of fees in respect of such testing or inoculation.

Publication of regulations.

10. Any regulation when made, added to, altered or amended by the local authority and approved of by the Minister,[1] under this Ordinance, shall be published in the Gazette, and shall when so published, until the same is revoked in manner aforesaid, have the force of law.

Destruction of dogs on proclamation by local authority.

11. (1) Notwithstanding any of the provisions of this Ordinance, where a local authority within the meaning of section 3 (*a*), (*b*), or (*c*) is satisfied that rabies exists, or that there is a danger of rabies within the limits of his jurisdiction, he shall by written notice to be posted in prominent places within the jurisdiction, and by beat of tom-tom, and by such other means, as he shall deem expedient, proclaim the area comprised within the said limits, or any part thereof including one or more villages or estates only, as an area within which rabies exists or within which there is a danger of rabies, as the case may be.

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(2) Any dog found in any public place or road, or any place other than a private building, compound, or garden, within any area or part thereof so proclaimed, and not being tied up or led shall be liable to be destroyed forthwith by any person authorized in writing, either generally or specially, by the local authority for that purpose, and the expenses of any such destruction in areas outside the limits of a Municipality, Urban Council, or Town Council, shall be paid from general revenue.

(3) Any such proclamation shall take effect on being proclaimed as provided by subsection (1), and shall be published in a subsequent issue of the Gazette.

(4) Any such proclamation shall expire at the end of six months from the date thereof, but without prejudice to the power of the local authority to issue another proclamation under this section.

Destruction of diseased dogs. Destruction of suspected dogs and diseased animals other than dogs. Notice by owner to local authority.

12. Every police officer and every person duly authorized under section 3, paragraph (*d*), shall cause to be destroyed every diseased dog within his district, and if he thinks fit any suspected dog or any diseased animal other than a dog within his district, provided that if the owner of such dog or animal gives notice in writing to the local authority that he objects to such dog or animal being destroyed, the local authority shall cause it to be examined by a medical officer of the Department of Health, and if such officer is of opinion that such dog or animal ought to be destroyed the local authority shall cause the same to be destroyed.

Penalties for offences.

13. The following penalties are imposed for the following acts and omissions, which are hereby declared to be offences under this Ordinance :—

Contravention of Ordinance or regulations.

(1) If anything is done or omitted to be done in contravention of this Ordinance or of any regulations made by a local authority under section 9 of this Ordinance, the owner of the

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dog and the person for the time being in charge thereof shall each, according to and in respect of his own acts and defaults, be liable on conviction to a fine not exceeding one hundred rupees.

Penalty for failure to give notice under section 7.

(2) Any owner or person knowingly having in his possession a diseased or suspected dog or other animal, or a dog or other animal which has been bitten by a dog or other animal reasonably suspected to be diseased, shall if he fail to give notice of the same to a police officer as required by section 7 of this Ordinance, be liable on conviction to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or both.

Failure of police officer to perform duty imposed under section 7.

(3) Every police officer receiving notice as regards a diseased dog shall, if he fail to perform any duty imposed on him by section 7 of this Ordinance, be liable on conviction to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months or both.

Allowing diseased dogs to go at large.

(4) Every owner of a dog or other animal which is diseased or suspected, or has been bitten by a dog or other animal reasonably suspected to be diseased, who shall permit the same to go at large after being informed or knowing it to be diseased, suspected, or to have been bitten by any dog or animal suspected to be diseased, shall be liable on conviction to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months or both.

Interference with dog seizers, &c. [§ 2, 23 of 1956.]

(5) If a person—

(*a*) removes a dog from the custody of any other person who has lawfully seized it, or

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(*b*) in any way molests, obstructs or prevents any other person in or from lawfully seizing, detaining or destroying a dog,

he shall, on conviction, be liable to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

Importation of animals.

14. (1) It shall be lawful for the Minister[1] by Order[1] to be published in the Gazette, to prohibit from time to time, as he may think desirable, the importation into Ceylon from any place where he has reason to believe that rabies exists, of dogs, or to order that no dog shall be imported without a licence in writing under the hand of the Principal Collector of Customs containing such conditions as the Principal Collector of Customs may from time to time direct to be inserted therein.

(2) The said licence shall bear a stamp of five rupees, which shall be supplied by the person to whom the same is issued :

Provided, however, that all licences issued in respect of such dogs or classes of dogs as may be specified by the Minister[1] by notification in the Gazette, shall be exempted from the requirements of this subsection.

(3) Any person who knowingly imports or attempts to import any dog contrary to the prohibition or order contained in such Order,[1] or who contravenes any condition contained in any such licence, shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding one hundred rupees, or in default to simple imprisonment for a period not exceeding three months.

(4) The Minister[1] may, by Order[1] published in the Gazette, extend the provisions of this section, subject to any exceptions and modifications set forth in the said Order,[1] to any other animals by which, in the Minister's[1] judgment, rabies is liable to be carried.

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Magistrate's Court to have jurisdiction.

15. Every prosecution under this Ordinance may be instituted in the Magistrate's Court of the division in which the offence was committed or where the offender is found, anything in the Criminal Procedure Code or in any other enactment to the contrary notwithstanding.

Informer's share.

16. It shall be lawful for the court imposing a fine under this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

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CHAPTER 477

REGISTRATION OF DOGS

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF DOGS.

Ordinances Nos. 25 of 1901, 20 of 1915, 3 of 1920, 21 of 1921, 26 of 1938, 61 of 1939, 12 of 1945, 23 of 1946, 29 of 1947.

[*3rd January, 1902.*]

Short title.

1. This Ordinance may be cited as the Dog Registration Ordinance.

Interpretation.

2. In this Ordinance—

"Government Agent" shall mean the Government Agent for the time being of the administrative district in which anything shall be done or may be required to be done under the provisions of this Ordinance;

"proper authority" shall mean, within any town wherein a Municipal Council, Urban Council, or Town Council has been or may hereafter be established, the Mayor of such Municipal Council, or Chairman of such Urban Council or Town Council, and without the limits of any such town, the Government Agent or any person duly authorized by him in writing.

Minister may bring provinces, districts, towns, &c., under the operation of this Ordinance.

3. It shall be lawful for the Minister[1] by Order[1] to be for that purpose published in the Gazette, to bring any province, district, town, or place under the operation of this Ordinance, and to define the limits of such province, district, town, or place for the purposes of this Ordinance, and such Order[1] to amend, alter, or revoke as and whenever the Minister[1] shall determine.

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Dog registration.

[§ 2, 26 of 1938.]

4. When any province, district, town, or place has been brought under the operation of this Ordinance, it shall be lawful to the proper authority, and such proper authority is hereby authorized and empowered, to charge an annual registration fee not exceeding five rupees on each dog kept within the limits of a town wherein a Municipal Council, Urban Council, or Town Council has been or may hereafter be established, and not exceeding twenty-five cents on each dog kept outside such limits, and to make from time to time such by-laws as shall be necessary for collecting and levying the same, and for providing for the issue and refusal of certificates of registration, and the issue of such certificates with conditions attached thereto, and for the disposal or destruction of any dog in respect of which a certificate has been refused, or in respect of which the conditions attached to the certificate have not been complied with ; and any person residing in any such province, district, town, or place having in his custody or possession any dog or dogs shall apply for a certificate of registration for each such dog from the proper authority, and the proper authority may issue in respect of each such dog a certificate to such person, which shall entitle such person to keep such dog until the thirty-first day of March of the year next following the date of such certificate :

Provided that within any town wherein a Municipal Council has been or may be hereafter established the powers vested in the proper authority under this section of charging an annual registration fee, and making from time to time such by-laws as shall be necessary shall be exercised by such Municipal Council, and not by the Mayor thereof ;

[§ 2, 26 of 1938.]

Provided further that within the limits of the Colombo Municipality the proper authority may charge an annual registration fee not exceeding seven rupees and fifty cents in the case of female dogs.

Publication of by-laws.

5. All by-laws made under section 4 shall be published in the Gazette in the English, Sinhalese, and Tamil languages respectively, and from the date of such publication shall have the same force as if they had been enacted in this Ordinance.

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Approval of by-laws.

6. All by-laws made under section 4 shall be laid before the Senate and the House of Representatives if Parliament is in session[1] within one month of such publication, and if not in session within one month of the commencement of the session next ensuing, and in either case they shall be on the table during four sittings at least of the Senate and the House of Representatives,[1] and any by-law which has been disapproved by resolution of the Senate or the House of Representatives[1] shall cease to have any force or effect.

Occupier of house liable.

7. The occupier of any house or premises where any dog or dogs are kept or permitted to live or remain shall be liable to pay the registration fee for such dog or dogs, and in default of such payment shall be liable to the penalties incurred by persons keeping unregistered dogs, unless the said occupier can prove to the satisfaction of the Magistrate of the division within which he resides that he is not the owner or has not the custody of such dog or dogs, and that such dog or dogs were kept or permitted to live or remain in the said house or premises without his sanction or knowledge :

Provided always that where there are more occupiers than one of the house or premises let in separate apartments or lodgings or otherwise, the occupier of that particular part of the premises in which such dog or dogs shall have been kept or permitted to live and remain shall be liable to pay the registration fee for such dog or dogs.

Register of dogs.

8. Every proper authority shall keep a book to be called "The Register of Dogs", in which he shall register the issue of every certificate, the date thereof, and the name and residence of the person to whom such certificate issued, as also the description of the dog or dogs as contained in the certificate.

Certificate to be obtained on transfer of a dog.

9. Where any dog shall be transferred by sale or gift by its owner to any other person it shall not be necessary for such person to take out a new certificate for such dog if such dog shall have been registered

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within the year in which such transfer took place, provided such person shall have in his possession the certificate already issued endorsed in his favour by such owner.

Seizure of stray dogs.

10. Every proper authority shall cause all stray dogs to be seized, and such dogs shall be dealt with as follows :—

(1) Every dog so seized shall be detained in some proper place and be there kept for such period not less than three days from the date of such seizure, as the proper authority may think expedient, provided that where the owner or other person who had charge of the dog is known, the proper authority shall cause notice to be forthwith given to either of them of the seizure and detention of the dog ; and upon receiving payment of the reasonable expenses incurred in respect of such seizure and detention, together with the registration fee in the case of an unregistered dog, shall, unless the proper authority shall refuse to issue a certificate in respect of such dog, deliver the dog to the person noticed or his agent, without prejudice however to the recovery of any penalty for the infringement of any of the provisions of this Ordinance.

(2) If the dog so seized and detained be not claimed within two days after the notice aforesaid has been served, or, in case no owner or other person is known to be in charge of the dog, within such period not less than three days after such seizure as the proper authority may think expedient, or in case of nonpayment of the reasonable expenses incurred in respect of such seizure and detention, and the registration fee if it be due as aforesaid, it shall be competent to the proper authority to cause the dog to be destroyed or otherwise disposed of in such manner as to the proper authority shall seem fit.

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Penalties.

11. (1) Any person who shall from and after the thirty-first day of March in each year after the coming into operation of this Ordinance have in his possession or custody within any province, district, town, or place brought under the operation of this Ordinance any dog not duly registered in accordance with the provisions of this Ordinance, shall be liable on conviction to a fine not exceeding twenty rupees, and in default of payment to simple imprisonment for a period not exceeding two weeks, and the Magistrate shall further order such person forthwith to apply for a certificate for such dog, and the proper authority may thereupon issue such certificate upon payment of the proper registration fee by such person, and such certificate shall be held to be valid until the thirty-first day of March of the year next following the date of such certificate ; and if after such order such person shall continue to keep any dog without having applied for, or having applied for and been refused, a certificate, he shall in addition to the fine imposed for the second and any subsequent offence, pay a sum not exceeding fifty cents for each day he shall have kept a dog without a certificate.

(2) Any person committing a breach of any by-law made under the provisions of section 4 shall be liable on conviction to a fine not exceeding twenty rupees, and in default of payment to simple imprisonment for a period not exceeding two weeks.

(3) The Minister of Justice [1] may from time to time by Order published in the Gazette authorize any Rural Court therein named to take cognizance of any offence punishable under this Ordinance, and in any such case such Rural Court shall have the same jurisdiction and the same power as a Magistrate under this Ordinance.

Production of certificate.

12. Every person having in his possession any dog shall produce the certificate for such dog whenever so required by a Magistrate, police officer, or peace officer, or by a proper authority, or any other person duly authorized by him in writing, and in case of refusal he shall, if such dog has been duly registered, be liable to a fine not exceeding five rupees.

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Fine not to be imposed when default not wilful.

13. No fine shall be imposed by a Magistrate in any case in which it shall appear to his satisfaction that the person failing to comply with the provisions of this Ordinance or any by-law made thereunder has not wilfully been guilty of such failure:

Provided always that such Magistrate shall forthwith order such person to apply for a certificate for the dog or dogs in his possession or custody, or otherwise comply with the provisions of this Ordinance, and that such person shall forthwith comply with such order.

Municipal Councils, Urban Councils and Town Councils entitled to duties.

14. All sums paid for certificates under the provisions of this Ordinance, and all penalties recovered under the provisions of this Ordinance from the inhabitants of any Municipal town, shall be taken and received by the Municipal Council of such town for the Municipal Fund, and all such like sums and penalties paid by or recovered from the inhabitants of any Urban Council or Town Council town shall be taken and received by the Urban Council or Town Council of such town for the local fund.

Power given to Municipal Magistrate to try cases.

15. The Municipal Magistrate of any town shall hear, try, and determine any offence committed under this Ordinance within the Municipality or in breach of any by-law lawfully enacted under this Ordinance, and shall have jurisdiction to award such punishment to the offenders as is authorized by law.

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TITLE XLIII · · MISCELLANEOUS

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CHAPTER 478

STREET COLLECTIONS

AN ORDINANCE TO REGULATE AND CONTROL THE COLLECTION OF MONEY OR THE SALE OF ARTICLES FOR CHARITABLE PURPOSES IN STREETS OR PUBLIC PLACES.

Ordinances Nos. 47 of 1935, 61 of 1939, 3 of 1946.

[*2nd December, 1935.*]

Short title.

1. This Ordinance may be cited as the Street Collections Regulation Ordinance.

Power to make regulations to control street collections.

2. (1) The Minister[1] may make regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the administrative limits of any local authority to collect money or to sell articles for the benefit of charitable or other purposes.

(2) Every regulation made by the Minister[1] shall be brought before the Senate and the House of Representatives[1] by a motion that such regulation shall be approved. No regulation shall have effect unless it has been approved by the Senate and the House of Representatives,[1] nor until notification of such approval has been published in the Gazette.

(3) A regulation made by the Minister[1] when approved by the Senate and the House of Representatives[1] shall, upon the notification of such approval in the Gazette, be as valid and effectual as if it were herein enacted.

Regulations not to affect ordinary trade.

3. A regulation made under section 2 shall not apply to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade, and for the purpose of earning a livelihood, and

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no representation is made by or on behalf of the seller that any part of the proceeds of sale will be devoted to any charitable purpose.

Penalty for breach of regulations.

4. Any person who acts in contravention of any regulation made under section 2 shall be guilty of an offence and shall be liable to a fine not exceeding one hundred rupees.

Interpretation.

5. In this Ordinance, unless the context otherwise requires—

"local authority" means a Municipality or an Urban Council or a Town Council;

"street" includes any highway and any public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not.

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CHAPTER 479

DESTRUCTION OF VALUELESS DOCUMENTS

AN ORDINANCE TO AUTHORIZE THE DESTRUCTION OF VALUELESS DOCUMENTS PRESERVED IN COURTS OF JUSTICE.

Ordinances Nos. 12 of 1894, 7 of 1905, 13 of 1905, 24 of 1930.

[*2nd January, 1895.*]

Short title.

1. This Ordinance may be cited as the Destruction of Valueless Documents Ordinance.

Minister of Justice may bring any Court of Justice under the operation of this Ordinance.

2. It shall be lawful for the Minister of Justice,[1] by Order[1] in that behalf made, to bring any Court of Justice in Ceylon under the operation of this Ordinance, and such Order[1] to amend, alter, or revoke as and whenever the Minister of Justice[1] shall determine.

Register of extant and missing records.

3. Where an Order under section 2 has been made in respect of any Court of Justice,[3] it shall be the duty of the officer presiding over it to cause to be prepared in duplicate a register of all the records of his court, extant and missing, according to the form I given in the First Schedule, and he shall certify to the correctness of such register.

What documents are not to be destroyed.

4. The different classes of documents enumerated in Part A of the Second Schedule shall not be destroyed, but the summonses, subpœnas, and other intermediate processes filed therein may be destroyed:

Provided that no such processes shall be destroyed except in cases which have been determined more than ten years previous to the date of destruction.

What documents may be destroyed.

5. The different classes of documents enumerated in Part B of the Second Schedule may be destroyed:

Provided that in regard to the money cases, cases relating to persons of unsound mind, and District Court

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criminal cases therein mentioned, the material particulars of each such case shall have been accurately abstracted and entered in a register as near as may be according to the forms II, III, and IV in the First Schedule ;

Provided also that at least three months before the date fixed for such destruction it shall have been notified by order of court, within the jurisdiction of such court, by proclamation in court and beat of tom-tom, printed notices, or advertisements in one or more local newspapers, that any person interested in any record may personally, by proctor, or by duly authenticated petition, claim, upon good cause shown, that such record may not be destroyed; in which event it shall be competent to the court to make such order thereon as to it shall seem meet.

Responsibility of the Judge of each court.

6. The preservation and destruction of the documents of each court in terms of this Ordinance shall be carried out under the personal direction of the officer presiding over such court.

Extract from register to be prima facie evidence.

7. A true extract from any register made in terms of this Ordinance, duly certified by the officer presiding over a court, shall be received as prima facie evidence of the matters and things therein contained.

FIRST SCHEDULE

Form I

[Section 3.]

REGISTER OF EXTANT AND MISSING RECORDS IN THE ————.

Year	Number of Records, in Series of hundreds	Number of *Missing* Records
1845	1 to 99	6, 7, 8, 15, 16.
1845	100 to 199	143, 148, 160.
1846	200 to 299	240, 260, 276.
1846	300 to 399	362, 375, 376, 378, 390.
1847	400 to 499	429, 430, 475, 478, 492, 493, 497, 498.
1848	500 to 599	Nil.
1849	600 to 699	Nil.

I hereby certify that this is a correct register of the extant and missing records of this court filed from the ———— day of ————, 19—, to the ———— day of ————, 19—.

(*Signed*) ————

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Form II

REGISTER OF MONEY CASES DESTROYED IN THE ———— COURT OF ————. [Section 5.]

Number of Plaint	When instituted	Name and Residence of Plaintiff	Name and Residence of Defendant	Nature of Suit	Amount claimed	Final Judgment or Decree of Court	Date of such Judgment or Decree	Judgment or Decree in Appeal	Date of such Judgment or Decree	Remarks

I hereby certify that this is a correct register of the destroyed money cases filed in court from the ———— day of ————, 19—, to the ———— day of ————, 19—.

(*Signed*) ————.

Form III

REGISTER OF CASES, RELATING TO PERSONS OF UNSOUND MIND, DESTROYED IN THE ———— COURT OF ————. [Section 5.]

Number	Date	How instituted	Name and Residence of Person alleged to be of Unsound Mind	Final Order	Remarks

I hereby certify that this is a correct register of the destroyed cases, relating to persons of unsound mind, filed in court from the ———— day of ————, 19—, to the ———— day of ————, 19—.

(*Signed*) ————.

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Form IV

[Section 5.] REGISTER OF CRIMINAL CASES DESTROYED IN THE ———— COURT OF ————.

No. of Case	When instituted	Name and Residence of Complainant	Name and Residence of Accused	Crime or Offence charged	Date of Judgment	Sentence	Remarks	Judgment in Appeal	Remarks

I hereby certify that this is a correct register of the destroyed criminal cases filed in court from the ———— day of ————, 19—, to the ———— day of ————, 19—.

(*Signed*) ————.

SECOND SCHEDULE

PART A

[Section 4.] CLASSES OF DOCUMENTS NOT TO BE DESTROYED

1. Land cases.
2. Testamentary cases.
3. Matrimonial cases.
4. Regular guardianship cases, as distinguished from those in which applications for a guardian *ad litem* only have been allowed.
5. Insolvency cases.
6. Cases in which a person has been adjudged to be of unsound mind.
7. Cases which have been decided in appeal.
8. Other cases of public interest.
9. Money cases in which—
   (*a*) mortgage decrees have been entered;
   (*b*) unclaimed suitors' moneys are lying in deposit;
   (*c*) satisfaction of judgment-decree or order has not been recorded;
   (*d*) judgment being revived or writ issued, ten years have not elapsed.
10. Cases prior to 1833, and a few cases later than 1833 as specimens of procedure.
11. Calendars, registers, or lists of cases made under the authority of any law or any order of the Government.
12. Notarial and other documents which may be useful as evidence of civil rights.

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PART B

CLASSES OF DOCUMENTS WHICH MAY BE DESTROYED, SUBJECT TO THE PROVISOS OF SECTION 5 [Section 5.]

1. Money cases, save those excepted as in Part A under heads 9, 10, 11, and 12.

2. Cases over five years old, relating to persons of unsound mind, save those in which an adjudication of unsoundness of mind has been recorded.

3. All Justice of the Peace cases.

4. All inquest proceedings prior to 1884.

5. Non-summary inquiry cases over five years old.

6. District Court criminal cases over five years old.

7. Petitions, reports, cattle vouchers, &c., over five years old.

8. Summary criminal cases over five years old.

9. Inquest proceedings of 1884 and subsequent years, which are over five years old, except those in which a finding is recorded that the death was caused by some person who has not been found :

Provided that notarial and other documents which may be found in the foregoing classes of records, and which may be useful as evidence of civil rights, shall be removed from such records and not destroyed.

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CHAPTER 480

DRIED MEAT

Ordinances Nos. 19 of 1908, 1 of 1927, 11 of 1941, *Act* No. 22 of 1955.

AN ORDINANCE TO RESTRICT THE TRAFFIC IN DRIED MEAT IN CERTAIN DISTRICTS IN ORDER TO CHECK THE WASTEFUL DESTRUCTION OF GAME.

[*31st October, 1908.*]

Short title.

1. This Ordinance may be cited as the Dried Meat Ordinance.

Interpretation.

2. (1) Except where the context otherwise requires, the expression " dried meat " means the dried or salted flesh of any animal, but does not include dried or salted fish or any dried or salted meat which has been imported from beyond the seas.

Burden of proof.

(2) The onus of proving that any dried meat has been so imported shall in any proceedings under this Ordinance be on the accused.

Application of Ordinance.

3. (1) The Minister[1] may from time to time by Order[1] declare that it shall be unlawful to remove dried meat from any administrative district or divisional revenue officer s division therein named (which administrative districts and divisional revenue officers' divisions are in this Ordinance referred to as " proclaimed areas "), except in accordance with any conditions which may be set forth in the said Order,[1] which said conditions may include the payment of money to the Government for the privilege of removing dried meat.

(2) The Minister[1] may from time to time vary, amend, or revoke any such Order.[1]

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Prohibition of removal of dried meat.

4. It shall be unlawful for any person to remove dried meat in quantities exceeding fifteen pounds from any proclaimed area in contravention of an Order [1] issued under section 3.

Penalty.

5. Any person who removes or attempts to remove dried meat in contravention of this Ordinance or any Order [1] issued thereunder shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding fifty rupees, and, in default of payment, to imprisonment of either description for a term not exceeding three months ; and on a second or subsequent conviction he shall be liable to a fine not exceeding one hundred rupees, and, in default of payment, to imprisonment of either description for a term not exceeding six months. Upon any conviction the dried meat in respect of which such conviction was had and all vessels containing the same, and every wagon, cart, boat, vessel, animal, or other conveyance used for or employed in the removal of the same, may be forfeited.

Power of certain officers to examine carts, &c.

6. It shall be lawful for any Assistant Conservator of Forests or for any police officer not below the rank of a Sergeant, or for any other forest officer or headman who is authorized in writing by the Government Agent to carry out the provisions of this Ordinance, upon reasonable suspicion, to stop and examine any cart, carriage, boat, pack animal, or other means of conveyance for the purpose of ascertaining whether dried meat is contained therein or carried thereby ; and if the person in charge of such cart, carriage, boat, pack animal, or other means of conveyance refuses to allow such officer to examine the same, or prevents or obstructs him from so doing, he shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding fifty rupees, or in default of payment to imprisonment of either description for a term not exceeding three months. Where upon such examination any quantity of dried meat exceeding fifteen pounds in weight is found, such officer may seize such dried meat together with the vessel, cart,

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carriage, boat, pack animal, or other means whereby or wherein the same is conveyed, and bring the same before the nearest Magistrate's Court to be dealt with according to law.

Person found removing dried meat suspected to have been removed in contravention of the Ordinance may be charged.

7. Where any person is found removing dried meat in any quantity exceeding fifteen pounds in such circumstances as to give rise to reasonable suspicion that he has brought it from a proclaimed area in contravention of this Ordinance, he may be charged with removing dried meat in contravention of this Ordinance ; and if the person so charged does not prove to the satisfaction of the Magistrate that he did not remove such dried meat in contravention of this Ordinance, and the Magistrate is satisfied that, having regard to the place where the dried meat was found and to all the circumstances of the case, there are reasonable grounds for believing that the person charged removed the dried meat in contravention of this Ordinance, such person may be convicted of an offence under section 4 of this Ordinance, and shall be liable to the penalty provided by section 5.

Reward to informer.

8. Any offence under this Ordinance may be inquired into, tried, and determined by the Magistrate's Court of the district in which the offence was committed wholly or in part, and such court shall have jurisdiction to award the maximum punishment prescribed therefor, and to declare and adjudge any dried meat, vessel, conveyance, animal, or thing liable to be confiscated under section 5 of this Ordinance forfeited, and to condemn the same, whatever may be the amount or value thereof, anything in the Criminal Procedure Code to the contrary notwithstanding ; and any Magistrate by whom any person is convicted of an offence under this Ordinance may direct that a portion not exceeding one-half of the fine actually recovered, and also a like portion of the proceeds of the sale of any thing or animal forfeited as aforesaid, shall be paid to any person giving information which has led to the conviction.

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Power of Minister to prohibit exportation of dried meat.

9. The Minister[1] may by Order[1] prohibit the exportation of dried meat during such period as may seem expedient, except in accordance with any conditions which may be set forth in the said Order,[1] which said conditions may include the imposition of fees for the inspection of meat proposed to be exported, and may in like manner alter, amend, or revoke any such Order.[1]

After any such Order[1] and during the period therein named, it shall be unlawful for any person to export dried meat in contravention of the said Order;[1] and any person unlawfully exporting or attempting to export dried meat during such period shall be guilty of an offence, and shall be liable on conviction to simple or rigorous imprisonment for a term which may extend to six months, or to a fine not exceeding one hundred rupees, or to both, and the dried meat in respect of which such conviction was had and all receptacles containing the same shall be forfeited.

Exception with regard to service tenures.

10. (1) Whenever the tenant of any land in the Kandyan provinces is bound, in respect of his tenure, to supply dried meat in any specified quantity, nothing in this Ordinance shall be taken to prevent such tenant from removing meat in such quantity as may be necessary to enable him to render such service.

(2) Whenever, in any proceedings under this Ordinance, it is alleged by way of defence that any dried meat was removed for the purpose of rendering any such service as aforesaid, the burden of proving that the dried meat was removed bona fide for such purpose and in no larger quantity than was necessary therefor shall lie on the person alleging such defence.

Disallowance of Orders.

11. All Orders[1] issued under this Ordinance shall as soon as conveniently may be, be laid on the table of the Senate and the House of Representatives,[1] and may at any of the next three meetings of the Senate or the House of Representatives[1] be disallowed by resolution of the Senate or the House of Representatives,[1] and if so disallowed shall be annulled, but without prejudice to anything already done thereunder, and if not so disallowed shall be deemed to be valid.

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CHAPTER 481

FOOD SUPPLIES

Ordinance No. 30 of 1947,
Acts Nos. 42 of 1949, 14 of 1953, 7 of 1955.

AN ORDINANCE TO MAKE PROVISION FOR SO MAINTAINING, CONTROLLING AND REGULATING THE SUPPLY OF ARTICLES OF FOOD AS TO SECURE THEIR SUFFICIENCY, THEIR EQUITABLE DISTRIBUTION AND THEIR AVAILABILITY AT FAIR PRICES ; AND FOR THAT PURPOSE TO TAKE POWER TO REQUISITION ARTICLES OF FOOD AND TO PAY COMPENSATION IN RESPECT OF ANY ARTICLE SO REQUISITIONED, AND TO PROVIDE FOR THE IMPORTATION OF CERTAIN ESSENTIAL ARTICLES OF FOOD SOLELY BY OR ON BEHALF OF THE CROWN; AND TO MAKE PROVISION FOR OTHER MATTERS CONNECTED WITH, OR INCIDENTAL TO, THE PURPOSES AFORESAID.

[*2nd July, 1947.*]

Short title and duration of Ordinance.

1. (1) This Ordinance may be cited as the Food Supplies Ordinance.

[§ 2, 14 of 1953.]

(2) This Ordinance shall continue in force for a period of ten years beginning with the date of the commencement thereof and shall then expire.

(3) The expiry of this Ordinance shall not affect the operation thereof as respects things previously done or omitted to be done.

Appointment of Commissioner of Food Supplies and competent authorities.

2. (1) There may be appointed,[3] by name or by office—

(*a*) a person[3] to be or to act as Commissioner of Food Supplies ;

(*b*) a person[3] or each of two or more persons, to be or to act as a competent authority for the purposes of this Ordinance ; and

(*c*) such other officers and servants as may be necessary for the purposes of this Ordinance.

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(2) Every competent authority appointed under subsection (1) shall be subject to the general direction and control of the Commissioner.

(3) The Commissioner may exercise or perform any of the powers or duties of a competent authority under this Ordinance.

Requisitioning of articles of food.

3. (1) For the purpose of so maintaining, controlling and regulating the supply of articles of food as to secure their sufficiency or their equitable distribution or their availability at fair prices, a competent authority may, if it appears to him to be necessary or expedient, requisition any quantity of any article of food and give such directions as appear to him to be necessary or expedient in connexion with the requisitioning thereof.

(2) (*a*) Where the Minister[1] is satisfied that it is necessary or expedient so to do for the purpose of facilitating the requisitioning of any quantity of any scheduled article grown or produced in Ceylon, the Minister may by Notification published in the Gazette declare that the provisions of this subsection shall apply in the case of that article.

Every scheduled article in respect of which any such Notification is in force is hereinafter referred to as a "special scheduled article".

(*b*) The power to requisition conferred by subsection (1) may, in relation to any special scheduled article, be exercised by a competent authority by means of a general order made as respects any specified area; and the competent authority may in any such order—

(i) declare the quantity of the special scheduled article so requisitioned from persons of any specified class or description to be a specified proportion of the total quantity grown or produced by each such person or on his behalf

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during a specified period or on a specified occasion, or to be a quantity determined at a specified rate per acre of the land cultivated by him or on his behalf for the purposes of the growth or production of that article ;

(ii) direct that every such person, or any other person on his behalf, who is in possession or has control of that article at any place of any description specified in the order shall, if required so to do by an officer authorized for the purpose in the order, deliver to such officer at such place the quantity of that article requisitioned by the order.

(*c*) An order may be made under paragraph (*b*) notwithstanding that the special scheduled article to which it relates may not have been harvested or produced at the time of the making of the order ; and the provisions of the order shall, in each case to which it applies, be complied with when the article is harvested or produced.

(*d*) The making of an order under this subsection in relation to any special scheduled article shall not affect or prejudice the power of a competent authority to requisition that article otherwise than in the manner provided by the order, or to requisition from any person any quantity of that article in addition to the quantity requisitioned from him by the order.

(3) Where a competent authority requisitions any quantity of any article of food under this section he may use or deal with, or authorize the use or dealing with, that quantity of that article to such extent and in such manner as he thinks expedient for any of the purposes specified in subsection (1), and may hold or sell or otherwise dispose of that quantity as if he were the owner thereof and as if that quantity were free from any mortgage, pledge, lien or other charge.

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(4) A competent authority if it appears to him to be necessary for the effectual exercise of the powers conferred by subsection (1) may, by order made applicable either to the whole of Ceylon or to any specified area thereof—

(*a*) direct that no person who, at the time when the order takes effect, has in his possession or under his control, at any premises in any area to which the order applies, any quantity of any such article of food as may be described in the order, shall remove that quantity or cause or permit it to be removed from the premises until the removal of that quantity therefrom is permitted by such officer or person as may be specified in the order ; or

(*b*) require the owner or occupier of any premises in any such area to send to such officer or person as may be specified in the order before such date as may be specified therein, a written declaration stating whether or not, on such date as may be specified in the order, any quantity of any such article of food was, is, or will be on the premises, and if so, the quantity or estimated quantity of such article which was, is, or will be on the premises on that day, according as the order may direct.

(5) Any officer of police or any other officer of Government who is requested so to do by the competent authority shall aid and assist the competent authority in the exercise of his powers under the preceding provisions of this section.

(6) Every person who contravenes or fails to comply with any direction given or requirement imposed under this section shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and such imprisonment.

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Crown to be the sole importer of scheduled articles of food.

4. (1) During the continuance in force of this Ordinance, no person, other than a person acting for or on behalf of the Crown, shall import into Ceylon any quantity of any scheduled article.

(2) The Minister[1] may, by Order published in the Gazette, amend the Schedule in any manner which appears to him to be expedient, and in particular may—

(*a*) add to the Schedule any article of food which in the opinion of the Minister[1] is essential for the vital needs of the community; or

(*b*) take out any article from the Schedule.

(3) The provisions of subsection (1) shall be read and construed as one with the Customs Ordinance.

Compensation in respect of requisition of articles of food.

5. (1) Where any quantity of any article of food has been requisitioned under this Ordinance, compensation assessed in accordance with the following provisions of this section shall be paid in respect of the requisition of that quantity.

(2) Subject to the provisions of subsection (3), the compensation payable under this section in respect of the requisition of any quantity of any article of food shall be a sum equal to the price which the person who, immediately before the requisition, was the owner of that quantity might reasonably have been expected to obtain upon a sale of that quantity then effected by him, regard being had to the condition of the goods at that time.

(3) Any compensation under this section shall not—

(*a*) in a case where the owner of the article immediately before the requisition was a person who had produced the article with a view to the sale thereof, exceed the aggregate of—

(i) the cost reasonably incurred by that person in producing that article; and

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(ii) such amount, not exceeding ten *per centum* of the cost referred to in sub-paragraph (i) of paragraph (*a*) of this subsection, as may be determined by the competent authority as the profit which such owner might reasonably have been expected to make on a sale of that article immediately before the requisition if the supply of, and the demand for, that article were then normal ; [§ 2, 7 of 1955.]

or

(*b*) in a case where the owner of the article immediately before the requisition was a person (other than the producer of the article) who being a dealer therein had purchased or obtained the article with a view to the sale thereof in the ordinary course of trade or business, exceed the aggregate of—

(i) the price which it was reasonable for him to pay for the commodity when it was so bought by him ; and

(ii) such amount, not exceeding ten *per centum* of the price referred to in sub-paragraph (i) of paragraph (*b*) of this subsection, as may be determined by the competent authority as the profit which such owner might reasonably have been expected to make on a sale of that article immediately before the requisition if the supply of, and the demand for, that article were then normal, [§ 2, 7 of 1955.]

and in assessing such compensation in any other case no account shall be taken of any profit which might be expected to be made on the sale of the article :

Provided that if, at the time when the article is requisitioned the price or maximum price at which such article may be sold is fixed by law, this

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subsection shall not be taken to authorize the assessment, by way of compensation in respect of the requisition, of a sum exceeding that price or maximum price as the case may be.

In this subsection the reference to a person who had produced any article of food with a view to the sale thereof and the reference to the producer of the article shall be construed as including a reference to his personal representative or any person carrying on business in succession to him by virtue of any assignment or transmission by operation of law.

(4) The compensation payable under this section in respect of the requisition of any article of food shall include a sum equal to the amount of any expenses reasonably incurred for the purposes of compliance with any directions given in connexion with the requisition.

(5) Any compensation assessed under subsection (2) shall accrue due at the time of the requisition of the article of food and shall be paid to the person who is then the owner thereof.

(6) Any compensation assessed under subsection (4) shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred and shall be paid to the person by whom or on whose behalf those expenses were incurred.

Determination of claims by tribunal in default of agreement.

6. (1) For the purposes of this Ordinance, there shall be a tribunal consisting of three persons appointed by the Minister. [3]

(2) Any dispute as to whether any compensation is payable under this Ordinance, or as to the amount of any compensation so payable, shall, in default of agreement, be referred to and be determined by the tribunal constituted under this section; and the decision of that tribunal shall be final:

Provided that at any stage in proceedings before it the tribunal may, and, if so directed by the Supreme Court shall, state in the form of a special case for the opinion of that court any question of law arising in the course of the proceedings.

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Incidental powers of tribunal.

7. The tribunal constituted under section 6 shall have the following powers, that is to say :—

(*a*) to order persons to attend and give evidence and to produce and give discovery and inspection of documents, with the same powers and in like manner as a District Court;

(*b*) to award and assess, or direct the assessment of, such sums by way of costs as the tribunal in its discretion thinks just, and in particular to award costs to an unsuccessful claimant where such an award appears to the tribunal to be justified on the merits of the case;

(*c*) to call in the aid of one or more assessors specially qualified, and hear any claim wholly or partly with their assistance ;

(*d*) to appoint an expert or experts to report on any matter material to the hearing of any claim ;

(*e*) to determine, subject to the approval of the Minister,[1] the remuneration, if any, of such assessors and experts ;

(*f*) to make, with the concurrence of the Minister of Justice,[1] rules prescribing the procedure for notifying, presenting and hearing claims and all matters incidental thereto.

Interest on compensation.

8. Any compensation under this Ordinance shall carry interest, as from the date on which it accrues due until payment, at such rate not exceeding five *per centum* per annum as the Minister with the concurrence of the Minister of Finance[1] may from time to time by order prescribe.

Limitation of time for claiming compensation.

9. No claim for any compensation under this Ordinance shall be entertained unless notice of the claim has in such form and manner as may be prescribed by the competent authority been given to the competent authority within the period of six months beginning with the date on which the compensation accrues due.

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Construction.

10. In the event of any conflict or inconsistency between the provisions of this Ordinance and the provisions of any other written law, the provisions of this Ordinance shall prevail.

Interpretation.

11. In this Ordinance—

"Commissioner" means the Commissioner of Food Supplies appointed under section 2;

"requisition", with its grammatical variations and cognate expressions, means, in relation to any quantity of any article of food, "take possession of that quantity or require that quantity to be placed at the disposal of the competent authority";

"scheduled article" means an article of food for the time being specified in the Schedule hereto.

[Section 11.]

SCHEDULE

Paddy.

Rice.

Any product of rice.

Wheat.

Wheat flour.

Sugar.

Sugar candy, excluding palmyra sugar candy produced and shipped from the Republic of India.

Jaggery, excluding jaggery produced and shipped from the Republic of India and Pakistan.

Red onions.

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